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The President

EXECUTIVE ORDER 9122

TO AMEND THE PROVISIONS OF EXECUTIVE ORDER NO. 8588 ENTITLED "PRESCRIBING REGULATIONS GOVERNING THE PAYMENT OF EXPENSES OF TRANSPORTATION OF HOUSEHOLD GOODS AND PERSONAL EFFECTS OF CERTAIN CIVILIAN OFFICERS AND EMPLOYEES OF THE UNITED STATES"

By virtue of and pursuant to the authority vested in me by the act of October 10, 1940, 54 Stat. 1105, entitled "An Act to provide for uniformity of allowances for the transportation of household goods of civilian officers and employees when transferred from one official station to another for permanent duty," it is hereby ordered as follows:

1. Section 5 of Executive Order No. 8588 of November 7, 1940,[1] is amended to read as follows:

"SECTION 5. *Means of Shipment.* Shipment shall be by the most economical means, taking into consideration the costs of packing, crating, drayage, unpacking, and uncrating: *Provided, however,* That the employee may have his effects moved by some means other than that determined to be most economical by paying the difference between the lowest available charges and the charges by the preferred means: *And provided further,* That, when the head of the department or agency determines it to be in the interest of the Government, he may specifically authorize the shipment by express of articles required for immediate use at the new official station (such as professional books, wearing apparel, bedding or kitchen utensils, but not furniture or jewelry), which shall in no case exceed a weight of 500 pounds for employees having dependents living with them or 250 pounds for employees having no dependents living with them. In considering comparative transportation costs as required by this section, the lowest available motor van charges may be determined by consulting published tariffs or by securing competitive bids, the use of either method to be construed as being determinative of the lowest available rate for motor transportation."

2. Section 6 of the said order is amended to read as follows:

"SECTION 6. *Use of Government Bill of Lading or Purchase Order.* Shipment shall be made on Government bill of lading or purchase order whenever possible; otherwise reimbursement shall be made to the employee for transportation expenses actually and necessarily incurred within the limitations prescribed by these regulations. If property in excess of the amount allowable under these regulations is shipped on a Government bill of lading or purchase order with the authorized allowance the employee shall immediately upon completion of the shipment pay to the proper officer of the department or establishment an amount equal to the charge for the transportation of such excess."

3. Section 11 of the said order is amended to read as follows:

"SECTION 11. *Shipment from Points Other Than Official Station.* The expenses of transportation authorized hereunder shall be allowable whether the shipment originates from the employee's last official station or from some previous place of residence, or partially from both: *Provided,* That the cost to the Government shall not exceed the cost of shipment in one lot by the most economical route from the last official station to the new. Shipments involving a cost greater than that authorized by this section may be made on a Government bill of lading, but the employee shall be required to reimburse the Government for the excess cost immediately upon completion of the shipment. No expenses shall be allowable for the transportation of property acquired en route from the last official station to the new. For the purposes of these regulations, the term 'official station' shall be construed to include any point from which

[1] 5 F.R. 4448.

CONTENTS

THE PRESIDENT

Page

Executive Order:
Transportation expenses of household goods, etc., of civilian employees 2665

RULES, REGULATIONS, ORDERS

TITLE 9—ANIMALS AND ANIMAL PRODUCTS:
Bureau of Animal Industry:
Mexico, inspection and quarantine of livestock imported from or exported to 2666

TITLE 10—ARMY: WAR DEPARTMENT:
Appointment of second lieutenants from R. O. T. C.; aviation cadets' enlistment, etc. 2667
Procurement:
Forms of agreement, amendments 2667
Maximum prices for military supplies 2667

TITLE 30—MINERAL RESOURCES:
Bituminous Coal Division
Minimum price schedules, relief orders, etc.:
District 1 2668
District 8 2668
District 10 2673
District 11 2674

TITLE 32—NATIONAL DEFENSE:
Office of Price Administration:
Price schedules, amendments, orders:
Dressed hogs and wholesale pork cuts 2682
Fuel sold at service stations in curtailment area 2682
Iron or steel products, resale of; correction 2682
Iron ore produced in Minnesota, Wisconsin, and Michigan 2680
Machine tools, new (2 documents) 2680
Selective Service System:
Amendments to revised regulations:
Late registrants 2677
Order numbers, assignment 2676

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

TITLE 32—NATIONAL DEFENSE—Con.
Selective Service System—Con.
Amendments to revised regulations—Continued.
Registration cards, grouping and numbering ---- Page 2675
Registration duties ---- 2675
War Production Board:
Bicycles, limitation order amended ---- 2679
Motor trucks, etc., preference rating order extended ---- 2678
Suspension orders:
Hoover Co ---- 2678
Jesam Yarn Co ---- 2679
Ritter, David, Inc ---- 2678
Toys and games, limitation order amended ---- 2679
TITLE 33—NAVIGATION AND NAVIGABLE WATERS:
Coast Guard:
Anchorage regulations for Port of New York and Mississippi River near Twelve-Mile Point, La ---- 2683

NOTICES

Civil Aeronautics Board:
American Airlines, Inc., hearing, etc ---- 2685
Department of the Interior:
Bituminous Coal Division:
Hearings, postponements, etc.:
District Board 3 ---- 2684
Goodrich Co., B. F ---- 2685
Norman, C. T., et al., complaints dismissed ---- 2685
Securities and Exchange Commission:
Columbia Gas & Electric Corp., et al., divestiture required, etc ---- 2689
McDermott, Russell W., expulsion from exchanges ---- 2687

CONTENTS—Continued

Securities and Exchange Commission—Continued.
Registrations revoked: Page
Central Securities Corp ---- 2688
Weller, Harry William ---- 2686
Winter & Co., F. H., proceeding dismissed ---- 2686
Treasury Department:
Bureau of the Public Debt:
Treasury certificates of indebtedness, ½%, Series A-1942, offering ---- 2684

the employee commutes daily to his official post of duty."

4. Section 12 of the said order is amended to read as follows:

"SECTION 12. *Time Limit.* All shipments allowable under these regulations shall begin within six months of the effective date of the transfer of the employee unless an extension is specifically granted by the head of the department or establishment. Such an extension shall be approved by the head of the department or establishment within the six months' period during which shipment would otherwise begin and shall in no case be for a period exceeding two years from the effective date of the transfer, except that, for employees who enter upon active military, naval, or Coast Guard duty at any time prior to the expiration of the period within which transportation of their effects is authorized and who are furloughed for the duration of such duty, the extension may be made effective until a date not more than sixty days following the date of termination of the furlough."

5. This order shall become effective immediately and shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 6, 1942.

[F. R. Doc. 42-3092; Filed, April 7, 1942; 11:54 a. m.]

Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry

[Amendment 1 to B.A.I. Order 368]

PART 93—SPECIAL REGULATIONS GOVERNING EXPORT AND IMPORT OF LIVESTOCK TO AND FROM MEXICO

INSPECTION AND QUARANTINE OF LIVESTOCK IMPORTED FROM OR EXPORTED TO MEXICO

Pursuant to the authority conferred upon the Secretary of Agriculture by the Act of Congress approved August 30, 1890, as amended (26 Stat. 416, 44 Stat. 775, 46 Stat. 1460; 21 U.S.C. 101-105), §§ 93.5, 93.6, and 93.11, Part 93, Chapter I, Title 9, Code of Federal Regulations [Regulations 5, 6, and 11, B.A.I. Order 368 [1]], are hereby amended in the following particulars:

Section 93.5 [regulation 5] is amended to read as follows:

§ 93.5 *Inspection at port of entry.* All horses, ruminants, and swine offered for entry from Mexico, including such animals intended for movement by rail through the United States in bond for immediate return to Mexico, shall be inspected at the port of entry and all such animals found to be free from communicable disease and fever tick infestation, and not to have been exposed thereto, shall be admitted into the United States subject to the other provisions of these regulations. Animals found to be affected with or to have been exposed to a communicable disease or infested with fever ticks, or, in the case of cattle, to have been exposed to such ticks, shall be refused entry except as provided in § 93.7 (b).

Section 93.6 [regulation 6] is amended to read as follows:

§ 93.6 *Animals for slaughter.* Animals imported from Mexico for slaughter shall be consigned from the port of entry to some recognized slaughtering center and there slaughtered within two weeks from the date of entry: *Provided,* That upon special permission obtained from the Chief of Bureau, they may be reconsigned to other points and there slaughtered within the period aforesaid.

Section 93.11 [regulation 11] is amended to read as follows:

§ 93.11 *Horses*—(a) *Horses from tick infested areas.* Horses offered for importation from tick-infested areas of Mexico shall be chute inspected unless in the judgment of the inspector a satisfactory inspection can be made otherwise. If they are found to be apparently free from fever ticks, before entering the United States they shall be dipped once in a permitted arsenical solution or be otherwise treated in a manner approved by the Chief of Bureau. If they are found to be infested with fever ticks they shall be refused entry but may be reoffered for importation following treatment as prescribed in § 93.7 (b) (2), for cattle from tick-infested areas.

(b) *Horses from dourine infected areas.* Horses and asses originating in the States of Chihuahua, Durango and Sonora and the territories of Lower California in Mexico—other than those moving in bond for immediate reentry into Mexico, those imported for slaughter, and geldings unless judged by the inspector to be capable of serving mares—shall be detained at the border port of entry where a blood sample shall be obtained from each such animal under the supervision of the inspector, said samples to

[1] 3 F.R. 3030.

be forwarded to the Bureau laboratory where they will be tested by the complement-fixation method for dourine. Any animal that is found by the said test to be affected with dourine shall be refused entry; others may be permitted entry subject to such further quarantine and tests as authorities in the state of destination may prescribe.

This amendment, which for purpose of identification is designated Amendment 1 to B.A.I. Order 368, shall be effective on and after April 20, 1942.

Done at Washington this 6th day of April 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-3086; Filed, April 7, 1942; 11:06 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

APPOINTMENT OF SECOND LIEUTENANTS, REGULAR ARMY, FROM HONOR GRADUATES OF SENIOR DIVISION, RESERVE OFFICERS TRAINING CORPS UNITS

§ 73.54 *Eligibility for appointment.* The provisions of subparagraph (a) (3) of this section are suspended for the duration of the war. (41 Stat. 774 as amended by sec. 7, 53 Stat. 557; 10 U.S.C. 484) [Cir. 92, W.D., Mar. 29, 1942, suspending Par. 3*a* (3), AR 605-7, Jan. 11, 1940]

APPOINTMENT IN THE REGULAR ARMY, EXCEPT MEDICAL DEPARTMENT AND EXCEPT CHAPLAINS

§ 73.121 *Eligibility for appointment.* The provisions of subparagraph (a) (4) of this section are suspended for the duration of the war. (41 Stat. 774 as amended by sec. 7, 53 Stat. 557; 10 U.S.C. 484) [Cir. 92, W.D., Mar. 29, 1942, suspending Par. 5*d*, AR 605-5, Dec. 8, 1934]

PART 74—ENLISTMENT OF AVIATION CADETS

§ 74.1 *Eligibility.* In the application of paragraph (a) of this section so much of the citizenship requirements thereof as pertains to citizens of the Commonwealth of the Philippines will be waived. (41 Stat. 765; 10 U.S.C. 42) [Cir. 92, W.D., Mar. 29, 1942, waiving so much of citizenship requirements of Par. 1*b* (1), AR 615-160, July 20, 1938, as amended by Cir. 111, W.D., June 10, 1941, as pertains to citizens of the Commonwealth of the Philippines]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-3062; Filed, April 6, 1942; 1:05 p. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS[1]

§ 81.2a *Maximum prices.* (a) Section 4 (a) of the Emergency Price Control Act of 1942, approved January 30, 1942 (Public Law 421, 77th Cong.), makes it unlawful, regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, for any person to sell or deliver any commodity, or in the course of trade or business to buy or receive any commodity, at prices in excess of those prescribed in any effective price schedules issued pursuant to that act. Section 1 (c) makes the provisions of the act applicable to the United States, its Territories and possessions, and the District of Columbia.

(b) *Applicability to exports.* The price schedules and regulations apply to all export deliveries on and after the date specified therein, whether or not a shipment has been licensed.

(c) *Exceptions to maximum prices.* Maximum price schedules or regulations, in general, are applicable to all deliveries made after the effective date of the schedule or regulation, regardless of any contracts entered into prior to such date. Therefore, unless the particular price schedule or regulation specifically authorized such exception, exceptions from fixed prices on contracts entered into prior to the effective date of the price schedule or regulation will not be approved by contracting officers. (Act Jan. 30, 1942, Pub. Law 421, 77th Cong.; R.S. 161; 5 U.S.C. 22) [Par. 6*c*, AR 5-100, Aug. 7, 1940, as amended by Proc. Cir. 28, W.D., Mar. 29, 1942]

§ 81.13 *Awards.*

* * * * *

(g) *Rejection of bids.*

* * * * *

(8) The lowest or any otherwise acceptable bid as to price will be rejected by the purchasing officer if such bid price is in excess of the maximum price which has been prescribed by the Administrator of the Emergency Price Control Act of 1942, or any other agency of the Government authorized by the President pursuant to the act to prescribe maximum prices. See § 81.2a. (20 Stat. 36; 22 Stat. 487, R.S. 3710; 5 U.S.C. 218, 41 U.S.C. 8) [Par. 11*c*, AR 5-160, Oct. 24, 1941, as added by Proc. Cir. 28, W.D., Mar. 29, 1942]

* * * * *

§ 81.16 *Use of standard contract forms.*

* * * * *

(j) *Maximum prices.* See § 83.2 (c) and (e) and § 81.13 (g) (8). (R.S. 3709; 31 Stat. 905; 10 U.S.C. 1201) [Par. 7*j* AR 5-200, Jan. 2, 1940, as added by Proc. Cir. 28, W.D. Mar. 29, 1942]

§ 81.33 *Open-market procurement; authorizations.*

* * * * *

(h) *Maximum prices.* The lowest or any otherwise acceptable offer, quotation, or estimate as to price will be rejected by the purchasing officer if the same is in excess of the maximum price which has been prescribed by the Administrator of the Emergency Price Control Act of 1942, or any other agency of the Government authorized by the President pursuant to the act to prescribe maximum prices. See § 81.2a. (R.S. 3709; 31 Stat. 905; 10 U.S.C. 1201) [Par. 9*h*, AR 5-240, Feb. 11, 1936, as added by Proc. Cir. 28, W.D., Mar. 29, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-3061; Filed, April 6, 1942; 1:05 p. m.]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS[1]

§ 81.15 *Forms of agreement.*

* * * * *

(a) *Formal contracts.*

* * * * *

(2) Transactions payable from funds appropriated for national defense of war purposes need not be evidenced by formal contracts when the amount involved exceeds $2,000, does not exceed $500,000, and delivery or performance time does not exceed 180 days.

(b) *Informal contracts*—(1) *Written bid and acceptance.*

* * * * *

(i) (*a*) * * *

(*b*) Transactions payable from funds appropriated for national defense or war purposes need not be evidenced by a written informal quotation signed by the contractor when the amount involved does not exceed $2,000 and delivery or performance time does not exceed 180 days.

* * * * *

(2) *Oral or written quotation and written acceptance.*

(i) * * *

(ii) Transactions payable from funds appropriated for national defense or war purposes, which do not exceed $2,000, which are based on an oral quotation and which involve only one payment, do not require a written agreement, but a written acceptance signed by the contracting officer. Where such purchases are based on a written quotation, the form of the agreement will be as prescribed in subparagraph (1) above; that is, the agreement will consist of the written quotation and the written acceptance.

(3) *Informal quotation and signed acceptance.* Transactions payable from funds appropriated for national defense or war purposes need not be evidenced by a bid signed by the contractor when the amount involved exceeds $2,000, does not exceed $500,000, and delivery or performance time does not exceed 180 days. In such cases, a written informal quotation signed by the contractor and an acceptance signed by the contracting officer will suffice. (R.S. 3744; Sec. 1, 40 Stat. 198, 45 Stat. 985, 46 Stat. 796; 5 U.S.C. 219, 41 U.S.C. 16, Act. Dec. 18, 1941, Pub. Law 354, 77th Cong.) [Par. 5, AR 5-200, Jan. 2, 1940, as amended by Proc. Cir. 46, W.D., June 14, 1941, Proc. Cir. 14, W.D., Feb. 6, 1942, and Proc. Cir. 26, W.D., Mar. 28, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-3060; Filed, April 6, 1942; 1:05 p. m.]

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[1] §§ 81.2a, 81.13 (g) (8), 81.16 (j) and 81.33 (h) are added.

[1] § 81.15 (a) and (b) is amended.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1155, Part II]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR MIXTURE OF COALS FROM CERTAIN MINES IN DISTRICT NO. 1, AND FOR ADDITIONAL SHIPPING POINTS FOR MINE INDEX NOS. 729 AND 3074 IN DISTRICT NO. 1

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division by District Board 1 in Docket No. A-1155;

An Order having been issued by the Acting Director on December 13, 1941, 6 F.R. 6435, severing from Docket No. A-1155 and designating as Docket No. A-1155, Part II, that portion of Docket No. A-1155 relating to the establishment of price classifications and minimum prices for a mixture, for all shipments except truck, of the coals of Matthews Nos. 1, 2, 3, and 4 Mines (Mine Index Nos. 685, 3204, 2886, and 2362) of John H. Matthews and of the coals of Burkett No. 1 Mine (Mine Index No. 3202) and Blose Mine (Mine Index No. 729) of G. C. Blose, and relating to the establishment of an additional shipping point for the coals of Blose Mine, and the changing of the shipping point for the coals of Nevling Mine (Mine Index No. 3074) of William Fraser, Jr., and, in the same Order, granting certain temporary relief;

A hearing having been held in this matter, pursuant to Order of the Acting Director and after due notice to all interested persons, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., and all interested persons having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

All parties having waived the preparation and filing of a report by the Examiner, and the record thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That, effective 15 days from the date hereof, § 321.7 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck be, and the same hereby is, amended as follows:

1. By appending thereto a note reading as follows:

NOTE: If coals within either of the following groups are loaded into the same car the minimum price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the highest price classification: Mine Index Nos. 685, 3204, 2886, and 2362 of John H. Matthews; Mine Index Nos. 729 and 3202 of G. C. Blose, for shipment on the Pennsylvania Railroad from Punxsutawney, Pennsylvania.

2. By making the price classifications and minimum prices effective for the coals of Mine Index No. 3074 of William Fraser, Jr., applicable for shipment on the Pennsylvania Railroad from Houtzdale, Pennsylvania, in lieu of from Osceola Mills, Pennsylvania.

3. By making the price classifications and minimum prices effective for the coals of Mine Index No. 729 of G. C. Blose for shipment on the Pittsburg & Shawmut Railroad from Sprankle Mills, Pennsylvania, also applicable for shipment on the Pennsylvania Railroad from Punxsutawney, Pennsylvania.

4. By terminating all temporary relief previously granted in Part II of this proceeding.

The foregoing changes are incorporated in Supplement R attached hereto and made a part hereof.

It is further ordered, That in all other respects the prayers for relief contained in the petition herein be, and the same hereby are, denied.

Dated: March 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

DISTRICT NO. 1

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group No.]

Mine Index No.	Code member	Mine named	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
729	Blose, G. C.	Blose	6	B	Punxsutawney, Pa. [1]	PRR	78	F	F	F	F	F
3074	Fraser, William, Jr.	Nevling	14	P	Houtzdale, Pa. [2]	PRR	45	E	(†)	E	E	E

†When shown under a Size Group number indicates no classification effective for this Size Group.

[1] Denotes additional shipping point for Mine Index No. 729 with change in Freight Origin Group to apply to the dual shipping points for this mine.

[2] Denotes new shipping point, but with no change in Freight Origin Group. Shipping point at Osceola Mills, Pa., shall no longer be applicable.

NOTE: If coals within either of the following groups are loaded into the same car the minimum price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the highest price classification: Mine Index Nos. 685, 3204, 2886, and 2362 of John H. Matthews; Mine Index Nos. 729 and 3202 of G. C. Blose for shipment on the Pennsylvania Railroad from Punxsutawney, Pennsylvania.

[F. R. Doc. 42-3017; Filed, April 6, 1942; 10:28 a. m.]

[Dockets No. A-1322 and A-1333]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; and

It appearing that the above-entitled matters raise similar and related issues; and

It further appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matters; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 328.21 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-II, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-I, and § 328.42 (*General prices for low volatile coals*) is amended by adding thereto Supplement T-II, which supplements are hereinafter set forth and hereby made a part hereof; commencing forthwith the shipping points appearing in the aforesaid Supplements R-I and R-II for Mine Index Nos. 625, 791, 810, 969, 1416, 1605, 1828, 2451, 2729, 2570, and 5199 are effective in place of the shipping points heretofore established for these mines; and commencing forthwith the freight origin group numbers of Mine Index Nos. 791 and 1828 are effective in place of the freight origin groups hereto-

fore designated for these mines in Docket No. A-988 and Docket No. A-808, respectively.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless the Acting Director shall otherwise order.

No relief is granted herein with respect to the request of District Board No. 8 in Docket No. A-1322 for the change in the shipping point of the King Horse Creek No. 2 Mine (Mine Index No. 3653) of King Horse Creek Coal Co., Inc., c/o H. M. Brock, from Richards, Kentucky, to Manchester, Kentucky, for the reason that this mine has no price classifications or minimum prices for rail shipment. No showing was made in this matter to warrant granting this mine classifications or minimum prices for rail shipment.

Dated: March 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

§ 328.11 *Alphabetical list of code members*—Supplement R-I

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																													
								For destinations other than Great Lakes																For Great Lakes cargo only													
								1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
[1]3963	Abner, Tommy & Earl Fisher (Earl Fisher).	Abner & Fisher	Blue Gem	6	Barbourville, Ky.	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
1190	Adams, J. L. & Calloway	W. S. Adams	Whitesburg	1	Paintsville, Ky.	C&O	61	M	M	M	L	J	G	J	F	D	L	(†)	(†)	(†)	(†)	(†)	(†)	M	M	M	H	G	G	J	N	L	(†)	(†)	(†)	(†)	(†)
5342	Allen, George Albert	Red Devil	Lilly	6	London, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
2729	B. & C. Coal Co. (A. C. Cravens).	B. & C. Coal Co.	Bon Air No. 2.	6	Crawford, Tenn.[2]	TC	210	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
5345	B. & M. Coal Co. (B. H. Body).	B. & M. Coal Co.	Widow Kennedy.	7	Coeburn, Va.	N&W	30	K	K	E	E	E	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	E	C	B	B	E	M	K	(†)	(†)	(†)	(†)	(†)
1743	Barrett Bros. (Lewis Barrett)	Payne & Wyrick	Lilly	6	East Bernstadt, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
5330	Barton, Harold B.	Barton	Jellico	6	Woodbine, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5347	Booth Blue Gem Coal Co. (McKinley Booth).	Booth Blue Gem.	Blue Gem	6	Jellico, Tenn.	L&N and Sou.	113	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
810	Collins & Merritt Coal Co. (Gorman Collins).	Collins No. 3.	Elkhorn No. 3.	3	Garrett, Ky.[3]	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(*)
5324	Deaton, Willie	Littlegood	Horse Creek	6	Manchester, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
3824	Diamond Coal Mining Co., The.	Diamond No. 7	Lower Pioneer.	6	Diamond, Tenn.	Sou.	180	J	J	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	J	H	(†)	(†)	(†)	(†)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
1828	Douglas, Jesse James	Douglas Blue Gem.	Blue Gem	6	Jellico, Tenn.[4]	Sou.	112	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
1648	Fannon, C. J.	Blue Gem	Blue Gem	6	Barbourville, Ky.	L&N	111	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
5383	Glen Mary Coal Co., c/o E. E. Wilson.	Sunbright	Glen Mary	6	Sunbright, Tenn.	CNOTP	70	O	O	H	G	G	E	G	E	C	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	L	F	D	B	F	G	K	(†)	(†)	(†)	(†)	(†)
60	Glogora Coal Co.	Blue Pennant #13.	No. 5 Block	4	Blue Pennant, W. Va.	C&O	123	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	A	A	A	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	A	A	A	(†)
220	Glogora Coal Co.	Glo No. 1	Elkhorn #1	1	Wayland, Ky.	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	A	A	A	A	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	A	A	A	A
[5]1928	Guy, Sherman; Ed. Sprain, Bob Hunley & John Parker (Sherman Guy).	Gang	Jellico	6	Habersham, Tenn.	L&N	140	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
5329	Hall, James Monroe	Hall	Elkhorn #3	1	Jack's Creek, Ky.	C&O	61	F	F	F	E	E	C	C	A	A	F	(†)	(†)	(†)	(†)	(†)	A	F	F	F	C	B	B	C	H	F	(†)	(†)	(†)	(†)	A
900	Hamm, J. G. & Sons	Robinette & McCray.	Lower Banner.	7	Trammel, Va.	CC&O	50	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
5382	Hill, Elbert	No. 2	Elkhorn	1	Jenkins, Ky.	C&O	61	H	H	F	E	E	C	C	A	A	D	(†)	(†)	(†)	(†)	(†)	A	H	H	F	C	B	B	C	H	D	(†)	(†)	(†)	(†)	A
5338	Johnson, M. E.	M. E. Johnson	Rex	6	Chaska, Tenn.	L&N	140	F	F	E	D	E	C	E	C	F	M	(†)	(†)	(†)	(†)	(†)	(†)	F	F	E	B	B	C	E	K	M	(†)	(†)	(†)	(†)	(†)
1416	Jones Brothers Coal Co. (Gilmer Jones).	Cobb No. 1	Upper Kittanning.	4	Queen Shoals, W. Va.[6]	B&O	120	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
2963	Kelly & Marcum Coal Co. (Owen Kelly).	Hibbard	Horse Creek	6	Manchester, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
5320	Lambert Coal Co. (R. J. Lambert).	Lambert	Splash Dam	7	Allen, Va.	CC&O	10	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
791	Lambert, R. J.		Lower Banner.	7	Trammel, Va.[7]	CC&O	50	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(*)
5199	Leger, Alfred	Leger Blue Gem	Blue Gem	6	Nevisdale, Ky.[8]	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
5381	Lewis & Holbrook Coal Co. (J. J. Lewis).		Jawbone	7	Coeburn, Va.	N&W	30	M	M	K	J	F	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	F	D	D	E	L	K	(†)	(†)	(†)	(†)	(†)
5268	Lucas, N. J.	Neon	Elkhorn	1	Neon, Ky.	L&N	62	K	K	K	J	G	E	G	D	D	J	(†)	(†)	(†)	(†)	(†)	(†)	K	K	K	F	D	D	G	L	J	(†)	(†)	(†)	(†)	(†)
5370	McCray, W. R.	McCray	Lower Banner.	7	Banner, Va.	N&W	30	M	M	K	J	F	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	F	D	D	E	L	K	(†)	(†)	(†)	(†)	(†)
5095	McHargue, Rudolph	McHargue	Lilly	6	Corbin, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
5368	Majestic Collieries Co.	Majestic No. 2	Alma	8	Majestic, Ky.	N&W	130	O	O	L	K	G	E	G	B	B	E	G	(†)	C	C	C	B	O	N	L	G	D	C	(†)	K	E	G	C	C	C	B
1605	Marcum Coal Co., Inc. (T. R. Marcum).	Greenbrier	Greenbrier	6	Weber, Ky.[9]	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)

See footnotes at end of table.

§ 328.11 *Alphabetical list of code members*—Supplement R-I—Continued

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																													
								For destinations other than Great Lakes																For Great Lakes cargo only													
								1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
5380	Merrimac Coal Co.	Merrimac #5	Pond Creek	8	Merrimac, W. Va.	N&W	130	Q	Q	M	L	H	F	H	C	C	G	(†)	(†)	(†)	(†)	(†)	(†)	O	N	L	G	D	D	(†)	N	G	(†)	(†)	(†)	(†)	(†)
5348	New Horse Creek Coal Co., Inc.	Greenbrier	Greenbrier	6	Weber, Ky	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
2627	Perkins & Davenport (W. F. Perkins).	J. Z. Marshall	Blue Gem	6	Jellico, Tenn	L&N and Sou.	113	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
2973	Perkins, Wymer & Son (Wymer Perkins).	Perkins	Blue Gem	6	Jellico, Tenn	L&N	111	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
5344	Potter, Roy	Blackbird Coal Company.	Elkhorn	1	Mayking, Ky	L&N	62	K	K	K	J	G	E	G	D	D	J	(†)	(†)	(†)	(†)	(†)	(†)	K	K	K	F	D	D	G	L	J	(†)	(†)	(†)	(†)	(†)
2570	Price Brothers (E. C. Price)	Price	Cedar Grove	4	West Junction, W. Va.[10]	C&O	123	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	B	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(†)	(†)	(†)	(†)	B
3817	Rennebaum Coal Co. (F. L. Rennebaum).	Rennebaum #2	Buckeye Springs.	6	Bryson Mountain, Tenn.	L&N and Sou.	113	P	P	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	P	O	(†)	(†)	(†)	(†)	(†)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5361	Rogers, E. F.	Rogers	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5374	Sanders & Ratliff (Alvin Sanders).	Sanders	Elkhorn No. 3.	1	Elkhorn City, Ky.	C&O and CC&O.	63	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
5353	Smith Brothers (Albert Smith).	Smith Bros. No. 2.	Horse Creek	6	Garrard, Ky	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
836	Smith, David L.	Truck	Mason	2	Keeman, Ky	L&N	80	P	P	N	M	H	F	F	D	E	H	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	E	D	F	O	H	(†)	(†)	(†)	(†)	(†)
5341	Smith, Eugene	Eugene Smith	Paint Rock	6	Stanley Junction, Tenn.	Tenn	71	O	O	M	L	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	H	F	F	H	N	N	K	(†)	(†)	(†)	(†)
5283	Smith, N. B.	Harkel	Kellioka	2	Evarts, Ky	L&N	80	Q	Q	L	K	H	F	D	D	E	K	(†)	(†)	(†)	(†)	(†)	(†)	P	M	L	G	E	D	D	N	K	(†)	(†)	(†)	(†)	(†)
625	Vanderpool, Ottis (Vanderpool Coal Co.).	Vanderpool Coal Co.	Elkhorn No. 1.	1	McDowell Ky.[11]	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5315	Williams, James	Williams	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
969	Wilson & Childers (Thomas Childers).	Wilson & Childers	Blue Gem	6	Nevisdale, Ky.[12]	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
5352	Worley, E. Z.	Tarkill Ridge	No. 3	6	Greenwood, Ky	CNOTP	171	O	O	M	L	H	F	H	D	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	H	F	F	H	N	K	(†)	(†)	(†)	(†)	(†)
5335	York, E. J.	York	Beattyville	3	Beattyville, Ky	L&N	100	K	K	J	H	G	G	J	F	D	M	(†)	(†)	(†)	(†)	(†)	(†)	K	K	J	F	D	F	J	L	M	(†)	(†)	(†)	(†)	(†)

*Indicates previously classified these size groups.
†Indicates no classification effective for these size groups.
[1] Abner, Tommy and Earl Fisher (Earl Fisher) was erroneously listed in Docket A-1165 as mine index No. 3962.
[2] Denotes new shipping point. Shipping point at Davidson, Tenn., shall no longer be applicable.
[3] Denotes new shipping point. Shipping point at Lackey, Ky. shall no longer be applicable.
[4] Denotes new shipping point, railroad and freight origin group. Shipping point at Wister, Ky. on the L&N Railroad in freight origin group No. 111 shall no longer be applicable.
[5] Guy, Sherman; Ed. Sprain, Bob Hunley & John Parker (Sherman Guy) was erroneously listed in Docket A-1262 as mine index No. 1992.
[6] Denotes new shipping point. Shipping point at Clay, W. Va. shall no longer be applicable.
[7] Denotes new shipping point and freight origin group. Shipping point at Allen, Va. on CC&O Railroad in freight origin group No. 10 shall no longer be applicable
[8] Denotes new shipping point. Shipping point at Gatliff, Ky., shall no longer be applicable.
[9] Denotes new shipping point. Shipping point at Manchester, Ky., shall no longer be applicable.
[10] Denotes new shipping point. Shipping point at Van, W. Va., shall no longer be applicable.
[11] Denotes new shipping point. Shipping point at Drift, Ky., shall no longer be applicable.
[12] Denotes new shipping point. Shipping point at Yaden, Ky., shall no longer be applicable.

§ 328.21 *Alphabetical list of code members*—Supplement R–II

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No. 1	2	3	4	5	6	7	8	9	10
2451	Hoops, J. C.	Hoops	9	Red Ash	Richlands, Va.[1]	N&W	21	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

[1] Denotes new shipping point. Shipping point at Doran, Va., shall no longer be applicable.
*Indicates previously classified these size groups.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6" (1)	Lump 2" and under, egg 3" x 6" (2)	Lump ¾" and under (3)	Egg 2" x 4", egg 2" x 3" (4)	Stove 3" and under, nut 2" and under (5)	Straight mine run (6)	2" and under slack (7)	¾" and under slack (8)
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN											
BOYD COUNTY, KY.											
Williams, Tom	Rush Creek No. 1	5404	No. 7	265	245	210	220	205	200	150	145
CARTER COUNTY, KY.											
Gillum, E. H	Pityme	5358	No. 7	265	245	210	220	205	200	150	145
FLOYD COUNTY, KY.											
Hall, James Monroe	Hall	5329	Elkhorn #3	295	275	235	240	215	225	175	170
GREENUP COUNTY, KY.											
Albright & Albright (Luther Albright).	Albright	5360	Clod	265	245	210	220	205	200	150	145
Sergent, Kenneth	Steward No. 2	5362	Clod	265	245	210	220	205	200	150	145
LAWRENCE COUNTY, KY.											
Wilson, Stewart	Wilson	5359	McHenry	265	245	210	220	205	200	150	145
LETCHER COUNTY, KY.											
Dotson, Dewey A	Whitaker	5327	Elkhorn	275	255	220	220	205	210	160	155
Franklin, A. C	A. C. Franklin	5357	Elkhorn	275	255	220	220	205	210	160	155
Hill, Elbert	No. 2	5382	Elkhorn	275	255	220	220	205	210	160	155
Lucas, N. J	Neon	5208	Elkhorn	275	255	220	220	205	210	160	155
Mosgrove, John L	John L. Mosgrove	5371	Elkhorn	275	255	220	220	205	210	160	155
Potter, Roy	Blackbird Coal Company.	5344	Elkhorn	275	255	220	220	205	210	160	155
Williams & Darnell (C. C. Williams).	R. B. Wright	5317	Elkhorn	275	255	220	220	205	210	160	155

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6" (1)	Lump 2" and under, egg 3" x 6" (2)	Lump ¾" and under (3)	Egg 2" x 4", egg 2" x 3" (4)	Stove 3" and under, nut 2" and under (5)	Straight mine run (6)	2" and under slack (7)	¾" and under slack (8)
SUBSIDIARY NO. 1—BIG SANDY-ELKHORN—Continued											
MORGAN COUNTY, KY.											
Nickell, R. H., Lucien Nickell & Stallard Nickell (R. H. Nickell).	R. H. Nickell	5378	No. 4	265	245	210	220	205	200	150	145
PIKE COUNTY, KY.											
Browning, Fred	Browning	5325	Elkhorn	275	255	220	220	215	210	170	165
Hay, Canary L	Hay	5339	Elswick	250	230	205	205	195	195	140	135
Sanders & Ratliff (Alvin Sanders)	Sanders	5374	Elkhorn No. 3	275	255	220	230	215	210	170	165
SUBDISTRICT NO. 2—HARLAN											
HARLAN COUNTY, KY.											
Langford Mine (E. G. Langford)	Langford	5323	Bull Dog	270	250	225	230	210	215	175	170
Smith, N. B	Harkel	5283	Kellioka	245	225	215	215	200	205	155	150
SUBDISTRICT NO. 3—HAZARD											
LEE COUNTY, KY.											
York, E. J	York	5335	Beattyville	275	255	220	225	205	210	155	150
SUBDISTRICT NO. 4—KANAWHA											
KANAWHA COUNTY, W. VA.											
Burdette, Hubert	Burdette	5287	Pittsburgh #8	265	245	230	230	205	220	135	130
Burdette, Hubert	Rocco	5288	Pittsburgh #8	265	245	230	230	205	220	135	130
Carbon Fuel Company, The	No. 9	3661	Powellton "B"	(†)	(†)	(†)	(†)	(†)	(†)	180	175
Sigmon, Hoy	Edens	5291	Pittsburgh #8	265	245	230	230	205	220	135	130
Sigmon, Hoy	Walker	5290	Pittsburgh #8	265	245	230	230	205	220	135	130
Walker, C. H	Ernie Walker	5285	Pittsburgh #8	265	245	230	230	205	220	135	130
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
CLAY COUNTY, KY.											
Deaton, Willie	Littlegood	5324	Horse Creek	265	245	220	220	205	210	155	150
New Horse Creek Coal Co., Inc	Greenbrier	5348	Greenbrier	265	245	220	220	205	210	155	150
Smith Brothers (Albert Smith)	Smith Bros. No. 2	5353	Horse Creek	265	245	220	220	205	210	155	150
JACKSON COUNTY, KY.											
Allen, T. G	Allen	5318	Beattyville	265	245	220	220	205	210	155	150
KNOX COUNTY, KY.											
Barton, Harold B	Barton	5330	Jellico	255	235	225	225	205	215	155	150
Rogers, E. F	Rogers	5361	Jellico	255	235	225	225	205	215	155	150
Williams, James	Williams	5315	Jellico	255	235	225	225	205	215	155	150
LAUREL COUNTY, KY.											
Allen, George Albert	Red Devil	5342	Lilly	265	245	220	220	205	210	155	150
Stringer, Emmett	Longramp	5372	Black Diamond	265	245	220	220	205	210	155	150

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T-I—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6" (1)	Lump 2" and under, egg 3" x 6" (2)	Lump ¾" and under (3)	Egg 2" x 4", egg 2" x 6" (4)	Stove 3" and under, nut 2" and under (5)	Straight mine run (6)	2" and under slack (7)	¾" and under slack (8)
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN—Continued											
LESLIE COUNTY, KY.											
Rockhouse Coal Co. (Eliza Hellmers).	Rockhouse Coal Coal Co.	5289	No. 4	275	255	220	225	205	210	155	150
M'CREARY COUNTY, KY.											
Worley, E. Z.	Tarkill Ridge	5352	No. 3	255	235	215	210	200	205	155	150
ROCKCASTLE COUNTY, KY.											
Black Camel Coal Co., Inc., c/o Minnie E. Norton.	Black Camel	5343	No. 3	265	245	220	220	205	210	155	150
West, Charles R.	Riverview	5373	Horse Creek	265	245	220	220	205	210	155	150
WAYNE COUNTY, KY.											
Morrow, Lyle		5337	No. 2	255	235	215	210	200	205	155	150
WHITLEY COUNTY, KY.											
Blakley, King	Blakley Blue Gem.	5384	Blue Gem	335	315	235	260	225	225	145	140
Booth Blue Gem Coal Co. (McKinley Booth).	Booth Blue Gem	5347	Blue Gem	335	315	235	260	225	225	145	140
Wilson & Hamblin (Ernest Hamblin).	Wilson & Hamblin.	5319	Blue Gem	335	315	235	260	225	225	145	140
ANDERSON COUNTY, TENN.											
Wilson, John T. & Charlie Bullock (John T. Wilson).	Wilson & Bullock.	5346	Coal Creek	255	235	225	230	205	215	145	140
CAMPBELL COUNTY, TENN.											
Diamond Coal Mining Company, The.	Diamond No. 7	3824	Lower Pioneer	280	260	(*)	(†)	(†)	(*)	(†)	(†)
Hutson, C. D.	Mud Slip Blue Gem.	5284	Rich Mountain	295	275	210	245	215	200	145	140
Johnson, M. E.	M. E. Johnson	5338	Rex	295	275	210	245	215	200	145	140
Jones, R. L.	Jones	5328	Jellico	300	280	225	250	215	215	170	165
MORGAN COUNTY, TENN.											
Glen Mary Coal Company c/o E. E. Wilson.	Sunbright	5383	Glen Mary	255	235	225	230	205	215	145	140
PICKETT COUNTY, TENN.											
Powell Brothers & Co., Inc., c/o Leonard Bernard.	Powell Bros	5369	No. 3	250	230	205	210	185	195	135	130
SCOTT COUNTY, TENN.											
Smith, Eugene	Eugene Smith	5341	Paint Rock	255	235	215	210	200	205	155	150
SUBDISTRICT NO. 7—VIRGINIA											
DICKENSON COUNTY, VA.											
Lambert Coal Co. (R. J. Lambert)	Lambert	5320	Splash Dam	265	245	220	220	215	210	155	150

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T-I—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6" (1)	Lump 2" and under, egg 3" x 6" (2)	Lump ¾" and under (3)	Egg 2" x 4", egg 2" x 6" (4)	Stove 3" and under, nut 2" and under (5)	Straight mine run (6)	2" and under slack (7)	¾" and under slack (8)
SUBDISTRICT NO. 7—VIRGINIA—Continued											
RUSSELL COUNTY, VA.											
Abbott, W. H.	Crooked Branch C. Co.	5350	Tiller	265	245	220	220	215	210	155	150
WISE COUNTY, VA.											
B. & M. Coal Co. (B. H. Body)	B. & M. Coal Co.	5345	Widow Kennedy	275	255	220	240	225	210	155	150
Bond, R. Dewitt (Bond Coal Co.)	Bond Coal Co.	5351	Widow Kennedy	275	255	220	240	225	210	155	150
Lewis & Holbrook Coal Co. (J. J. Lewis).		5381	Jawbone	265	245	220	220	215	210	155	150
McCray, W. R.	McCray	5370	Lower Banner	265	245	220	220	215	210	155	150
SUBDISTRICT NO. 8—WILLIAMSON											
PIKE COUNTY, KY.											
Edmiston & Mounts (Ance Mounts)	Hackney	5354	Pond Creek	245	225	225	210	200	215	160	155
Majestic Collieries Company	Majestic #2	5368	Alma	255	235	230	215	205	220	180	175
BUCHANAN COUNTY, VA.											
Ball, W. Irving, Raleigh L. Cowan & Frank Smith (Frank Smith).	Fletcher Ridge	5272	Lower Vanner	265	245	220	220	215	210	155	150
MINGO COUNTY, W. VA.											
Finley, George	Geo. Finley	5340	No. 5 Block	245	225	205	210	185	195	145	140
Merrimac Coal Company	Merrimac #5	5380	Pond Creek	245	225	225	210	200	215	170	165

*Indicates previously classified these size groups.
†Indicates no classification effective for these size groups.

§ 328.42 *General prices for low volatile coals*—Supplement T-II

Code member index	Mine	Mine index No.	Seam	All lump (1)	Egg: larger than 3-inch top (2)	Stove: 3-inch top size (3)	Nut or pea: 1¼-inch top or less (4)	Screened M/R (5)	Straight M/R (6)	1¼-inch screenings (7)	¾-inch screenings (8)
SUBDISTRICT NO. 9—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS											
TAZEWELL COUNTY, VA.											
Taylor, Henry	Taylor	5321	Red Ash	305	305	300	250	280	215	155	150

[F. R. Doc. 42-3016; Filed, April 6, 1942; 10:27 a. m.]

[Docket No. A-1358]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10 FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District 10, for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: March 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																												
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION NO. 4																																
FULTON COUNTY																																
Gofinch & Collins (J. E. Gofinch)	1563	Gofinch & Collins	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SECTION NO. 5																																
GREENE COUNTY																																
Walker, O. S.	1559	O. S. Walker #2	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SCOTT COUNTY																																
Hepworth, John R.	1562	John R. Hepworth #2	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---

[F. R. Doc. 42-3014; Filed, April 6, 1942; 10:27 a. m.]

[Docket No. A-1357]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE LONE STAR NO. 4 MINE (MINE INDEX NO. 1308) OF LONE STAR COAL CO., INC., A CODE MEMBER IN DISTRICT NO. 11

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Lone Star No. 4 Mine (Mine Index No. 1308) of Lone Star Coal Co., Inc., a code member in District No. 11; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: March 28, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Name of code member	Mine	Seam	Subdistrict	Freight origin group	Price group	Shipping point	Railroad
1308	Lone Star Coal Co., Inc.	Lone Star No. 4	III	BC	33	1	Brazil, Ind.	PRR.

Mine Index No. 1308 shall be included in Price Group 1 and shall take the same f. o. b. mine prices as other mines in Price Group 1 in Price Schedule No. 1, District No. 11, For All Shipments Except Truck. It shall also take the same adjustments in f. o. b. mine prices on account of differences in freight rates as other mines in Freight Origin Group 33 of the Brazil-Clinton Subdistrict having the same freight rate.

Mine Index No. 1308 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule, District No. 11, For All Shipments Except Truck as are shown for Mine Index Nos. 7, 8, 42, 55, 82, 83, 84, 89 and 121.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																										
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
CLAY COUNTY																															
Lone Star Coal Co., Inc.	1308	Lone Star No. 4	3	240	235	230	220	215	210	170	175	170	165	135	125	70	40	---	---	---	---	---	---	---	145	135	105	---	---	---	---

[F. R. Doc. 42-3015; Filed, April 6, 1942; 10:27 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amendment No. 41, 2d Ed.]

PART 612—REGISTRATION DUTIES[1]

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respects:

1. Amend § 612.14 (a) (7) to read as follows:

§ 612.14 *Duties of State Director of Selective Service.*

(a) * * *

* * * * *

(7) Report to the Director of Selective Service after receiving reports from all his local board chairmen the total number of completed Registration Cards (Form 1) of persons who registered in his State during the period of registration.

2. Amend paragraph (e) of § 612.21 to read as follows:

§ 612.21 *Duties of chairman of local board.*

* * * * *

(e) The chairman of the local board, before the adjournment of the meeting held by the local board on the day after registration day, shall report to the State Director of Selective Service the total number of completed Registration Cards (Form 1) of registrants who registered within his local board area during the period of registration.

3. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 42-3064; Filed, April 6, 1942; 3:23 p. m.]

[Amendment No. 42, 2d Ed.]

PART 614—GROUPING AND SERIAL NUMBERING REGISTRATION CARDS[2]

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respects:

1. Amend paragraph (b) of § 614.6 to read as follows:

§ 614.6 *Registrants residing within the local board area: Grouping of Registration Cards.*

* * * * *

(b) The local board shall place in Group 1 the Registration Card (Form 1) of each registrant whose date of birth as given on line 5 of such card shows that he is within the age group required to be registered by the first proclamation of the President. Each succeeding proclamation added a new age group. The local board shall place in Group 2 the Registration Card (Form 1) of each registrant in the new age group added by the second proclamation of the President, shall place in Group 3 the Registration Card (Form 1) of each registrant in the new age group added by the third proclamation of the President, and shall place in Group 4 the Registration Card (Form 1) of each registrant in the new age group added by the fourth proclamation of the President. After carefully checking the date of birth of the registrant as set out in answer to question 5 on the face of the Registration Card (Form 1), the local board shall place each card in the group in which it belongs. The following table will assist the local board to determine the group in which each Registration Card (Form 1) should be placed:

TABLE OF AGE GROUPS

GROUP 1

Registrants born on or after October 17, 1904, and born on or before October 16, 1919.

GROUP 2

Registrants born on or after October 17, 1919, and born on or before July 1, 1920.

GROUP 3

Registrants born on or after July 2, 1920, and born on or before December 31, 1921; and

Registrants born on or after February 17, 1897, and born on or before October 16, 1904.

GROUP 4

Registrants born on or after April 28, 1877, and born on or before February 16, 1897.

These regulations will hereinafter refer to Registration Cards (Form 1) as being in "Group 1," "Group 2," "Group 3," or "Group 4." Whenever such reference is made, it is intended that the determination of the group in which a particular Registration Card (Form 1) belongs will be made by using the foregoing table.

2. Amend § 614.7 to read as follows:

§ 614.7 *Reporting number of persons registered.* (a) For the purpose of determining the total registration in the nation, the chairman of each local board before he adjourns the meeting on the day after registration day shall report to the State Director of Selective Service the total number of completed Registration Cards (Form 1) of registrants who registered within his local board area during the period of registration. All Registration Cards (Form 1) of registrants who registered in the local board area shall be counted without regard to the group to which they belong and without determining whether they will remain under the jurisdiction of the local board where they registered or will be forwarded to some other local board.

(b) As soon as possible after he receives reports from all the local boards within his State, the State Director of Selective Service shall advise the Director of Selective Service the total number of completed Registration Cards (Form 1) of persons who registered in his State during the period of registration.

3. Amend paragraphs (a) and (c) of § 614.11 to read, respectively, as follows:

§ 614.11 *Registration Cards received from another local board.* (a) When a local board receives a Registration Card (Form 1) after the close of registration and before the commencement of the meeting provided for in § 614.21, the clerk of the local board shall first check the place of residence indicated on line 2 of such card.

* * * * *

(c) If the place of residence is within the local board area, the card shall be held for disposition under the provisions of § 614.22.

4. Amend paragraphs (a) and (c) of § 614.12 to read, respectively, as follows:

§ 614.12 *Registration Card of man registering after close of registration and before meeting of local board.* (a) If a person required to be registered presents himself for registration at any local board after the close of registration and before the commencement of the meeting of such local board provided for in § 614.21, he shall be registered.

* * * * *

(c) If the place of residence on line 2 of the Registration Card (Form 1) of such registrant is within the local board area, the card shall be held for disposition under the provisions of § 614.22.

5. Amend § 614.21 to read as follows:

§ 614.21 *Chairman to call meeting.* The chairman of the local board shall convene a meeting of his local board on May 20, 1942. At this meeting, the local board shall complete the steps set forth in §§ 614.22 to 614.27, inclusive.

6. Amend the regulations by inserting a new section to be known as § 614.24–1 to read as follows:

§ 614.24–1 *Disposition of Registration Cards in Group 3.* (a) A strip shall be cut from an unused green-colored Registration Card (Form 1) and pasted across the top of the face of each Registration Card (Form 1) in Group 3.

(b) The Registration Cards (Form 1) in Group 3 shall then be given late-registrant serial and order numbers in the manner provided in Part 616.

7. Amend § 614.25 to read as follows:

§ 614.25 *Serial numbering Registration Cards in Group 4.* (a) The local board shall thoroughly shuffle and mix all the Registration Cards (Form 1) in Group 4 in such a manner that the location of any individual card with respect to the other cards and the number any such card later receives will be purely a matter of chance.

(b) The local board shall then place on each Registration Card (Form 1) in Group 4 a serial number. Each serial number in Group 4 shall be preceded by the prefix "U." The first card in the pile shall be numbered "U–1," the next card "U–2," and so on until all cards are numbered consecutively. The gen-

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[1] 7 F.R. 200, 430.

[2] 7 F.R. 388, 652.

eral rules for serial numbering Registration Cards (Form 1) set out in §§ 614.41 to 614.46, inclusive, shall be carefully followed.

8. Amend paragraph (a) of § 614.26 to read as follows:

§ 614.26 *Preparing lists of registrants in Group 4.* (a) During or after serial numbering of Registration Cards (Form 1) in Group 4, the local board shall make up at least three copies of the List of Registrants (Form 3) for such group, using Duplicate List of Registrants (Form 3A) as the first copy and adding on such copy the "Date of Birth" of each registrant. Registrants shall be listed in the order of their serial numbers, with the registrant having number "U-1" at the top of the list. All serial numbers from "U-1" to the largest "U" serial number used shall be listed, whether or not each number was given to a registrant. Serial numbers shall be placed in column 2 of the List of Registrants (Form 3) opposite the name of the registrant to whom such number has been assigned. Since no order numbers will be assigned to registrants in Group 4, column 1 will be left blank. One copy of the List of Registrants (Form 3) shall be maintained at all times in the files of the local board, one copy shall be sent to the State Director of Selective Service, and the Duplicate List of Registrants (Form 3A) shall be forwarded through the State Director of Selective Service to the Director of Selective Service at the Gimbel Building, Philadelphia, Pennsylvania.

9. Amend § 614.27 to read as follows:

§ 614.27 *Report of serial numbering.* (a) Before the meeting provided for in § 614.21 is adjourned, the local board shall make the following report to the State Director of Selective Service:

Registration Cards (Form 1) for the fourth registration shuffled and serial numbered. Largest serial number used by Local Board ---------- is U-_____.

(b) As soon as possible, the State Director of Selective Service shall advise the Director of Selective Service the total number of registrants in his State who were assigned "U" serial numbers in the fourth registration.

10. Amend § 614.41 to read as follows:

§ 614.41 *Putting serial numbers on Registration Cards.* The serial numbers shall be placed on the Registration Cards (Form 1) in black ink, either in pen and ink or by rubber stamp. Each Registration Card (Form 1) shall have one, and only one, whole serial number, such as "U-267." No letter or fraction shall be used after the number. Each serial number shall be used only once. If either the serial number or the Registration Card (Form 1) bearing the serial number is canceled for any reason, the serial number shall not be used again.

11. Amend paragraphs (b) and (c) of § 614.46 to read, respectively, as follows:

§ 614.46 *Serial numbering when local board has two Registration Cards for the same registrant.*

* * * * *

(b) When a local board has two cards in the same group for the same registrant:

(1) If the registrant belongs to a group for which no lottery will be held or if the national lottery for the group to which he belongs has not commenced when such fact is ascertained, the local board shall select one card by lot and cancel the other card by marking it "Canceled—Duplicate."

(2) If the registrant belongs to a group for which a national lottery has been or will be held and such fact was not or is not ascertained before the commencement of such national lottery, the local board shall treat the cards just as if they were cards for two different registrants, so far as serial numbering is concerned, and the card having the serial number which comes first in the applicable national lottery shall be given its proper order number, and the other card shall be marked "Canceled—Duplicate."

(c) If a registrant is registered with more than one local board, each local board with which he registered shall put a serial number on the Registration Card (Form 1) which it has. If the registrant belongs to a group for which a national lottery has been or will be held, he may, before the applicable national lottery, or, if the registrant belongs to a group for which no lottery will be held, he may, at any time, select any local board with which he registered and request such local board to record his selection. If the registrant makes such a selection, he shall be given a receipt and sufficient copies thereof to supply one to each local board with which he has registered, which receipt shall show the date and hour of the request. The receipt and all copies thereof shall be signed by a member of the local board which the registrant has selected. The registrant shall send a copy of such receipt to each local board with which he has registered. Upon receiving a copy of such a receipt, each local board with which the registrant registered which was not selected by him shall mark his Registration Card (Form 1) "Canceled—Double Registration." If a registrant belonging to a group for which a national lottery has been or will be held does not make such a selection before the applicable national lottery or if he does make such a selection but fails to send a copy of the receipt he receives from the local board he selects to any other local board with which he has registered, he shall report for induction to the local board that calls him first.

12. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 42-3065; Filed, April 6, 1942; 3:23 p. m.]

[Amendment No. 43, 2d Ed.]

PART 615—ASSIGNMENT OF ORDER NUMBERS [1]

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respects:

1. Amend the regulations by inserting a new section to be known as § 615.4 to read as follows:

§ 615.4 *No national lottery for Group 4.* Registrants in Group 4 will not receive order numbers; therefore, no national lottery will be held for registrants in Group 4.

2. Amend § 615.41 to read as follows:

§ 615.41 *Placing order numbers on List of Registrants.* As soon as it completes the assigning of order numbers to the Registration Cards (Form 1) of registrants in Group 1, Group 2, or Group 3, the local board shall place the order numbers in the first column of both the publicly posted and the file copy of the List of Registrants (Form 3). It should also furnish as many copies as possible of such List of Registrants (Form 3) with the order numbers in the first column to the press, radio, and other mediums of publication.

3. Amend § 615.42 to read as follows:

§ 615.42 *Placing registrants' names in Classification Record.* The Classifica- Record (Form 100) was started at the time order numbers were assigned to registrants in Group 1 following the first national lottery. The names and order numbers of registrants in Group 1 commenced on page 1 of the Classification Record (Form 100). When order numbers were assigned to registrants in Group 2 immediately following the second national lottery, the names and order numbers of such registrants were placed in the Classification Record (Form 100) commencing on a new page numbered 2,001. This was done in order to keep the list of registrants in Group 2 separated from the list of registrants in Group 1 in the Classification Record (Form 100). In a similar manner, when the registrants in Group 3 were listed in the Classification Record (Form 100) numerically, according to their order numbers, with Order Number 10,001 at the top, such list was commenced upon a new page numbered 3,001. Registrants in Group 4 shall not be listed in the Classification Record (Form 100).

4. Amend § 615.43 to read as follows:

§ 615.43 *Cover Sheet to be prepared for each registrant.* (a) After each registrant in Group 1, Group 2, or Group 3 is listed in the Classification Record (Form 100), the local board shall open an individual file for him by preparing a Cover Sheet (Form 53). These Cover Sheets (Form 53) shall be maintained in a file in the local board. Every paper pertaining to the registrant except his

[1] 7 F.R. 391.

Registration Card (Form 1) shall be filed in his Cover Sheet (Form 53).

(b) The local board shall also open an individual file for each registrant in Group 4 by preparing a Filing Folder (Form 54). No Cover Sheet (Form 53) shall be made for registrants in Group 4. Filing Folders (Form 54) for registrants in Group 4 shall be maintained in a file separate and apart from the file of Cover Sheets (Form 53) of the registrants in Group 1, Group 2, and Group 3. Every paper pertaining to the registrant in Group 4 except his Registration Card (Form 1) shall be filed in his Filing Folder (Form 54).

5. Amend § 615.44 to read as follows:

§ 615.44 *Registration Cards to be filed alphabetically.* (a) After entering the name and order number of a registrant in Group 1, Group 2, or Group 3 in the Classification Record (Form 100), the local board shall file his Registration Card (Form 1) in an alphabetical file of Registration Cards (Form 1) of such registrants.

(b) The local board shall file the Registration Card (Form 1) of each registrant in Group 4 in an alphabetical file of Registration Cards (Form 1) of such registrants which shall be maintained separate and distinct from the alphabetical file of Registration Cards (Form 1) for registrants in Group 1, Group 2, and Group 3.

6. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 42-3066; Filed, April 6, 1942; 3:24 p. m.]

[Amendment No. 44, 2d Ed.]

PART 616—LATE REGISTRANTS [1]

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 8545, 5 F.R. 3779, Selective Service Regulations, Second Edition, are hereby amended in the following respects:

1. Amend § 616.4 to read as follows:

§ 616.4 *Registration of late registrants in Group 3.* Any person in the age group required to be registered for the first time on February 16, 1942, the day fixed by the President for the third registration (registrants in Group 3), who has not heretofore registered or who, by reason of a change of status, is hereafter required to be registered may present himself for and submit to registration before any local board. Each such person shall be registered on a green-colored Registration Card (Form 1) and shall be issued a Registration Certificate (Form 2).

2. Amend the regulations by inserting a new section to be known as § 616.5 to read as follows:

[1] 7 F.R. 393.

§ 616.5 *Registration of late registrants in Group 4.* Any person in the age group required to be registered for the first time on April 27, 1942, the day fixed by the President for the fourth registration (registrants in Group 4), who does not register on or prior to that date or who, by reason of a change of status, is thereafter required to be registered, may present himself for and submit to registration before any local board. Each such person shall be registered on a buff-colored Registration Card (Form 1) and shall be issued a Registration Certificate (Form 2).

3. Amend § 616.24 to read as follows:

§ 616.24 *Serial numbering Registration Card received from another local board or a State Director of Selective Service.* (a) When at any time hereafter the local board receives from another local board or a State Director of Selective Service a Registration Card (Form 1) of a registrant in Group 1, Group 2, or Group 3 and the place of residence on line 2 of such card is within the local board area, the local board shall place a serial number on such late Registration Card (Form 1) in the manner provided in § 614.42.

(b) When at any time after April 27, 1942, the local board receives from another local board or a State Director of Selective Service a Registration Card (Form 1) of a registrant in Group 4 and the place of residence on line 2 of such card is within the local board area, the local board shall place a serial number on such Registration Card (Form 1) in the manner provided in § 614.42.

(c) If any late Registration Card (Form 1) referred to in (a) above already has a serial number on it when it is received, the local board shall not change such serial number. If, however, the local board has already assigned an order number to another registrant having the same serial number, the registrant whose card has been received late will be given the preceding order number followed by a letter.

(d) If any late Registration Card (Form 1) referred to in (b) above already has a serial number on it when it is received, the local board shall cross out such serial number and place a new serial number on such late Registration Card (Form 1) in the manner provided in § 614.42.

4. Amend the regulations by inserting a new section to be known as § 616.34 to read as follows:

§ 616.34 *No order numbers assigned to Group 4 registrants.* When a Registration Card (Form 1) of a registrant in Group 4 is received by the local board late, it shall not be given an order number.

5. Amend § 616.41 to read as follows:

§ 616.41 *Entries on List of Registrants.* (a) When the Registration Card (Form 1) of a registrant in Group 1, Group 2, or Group 3 is received late, the local board shall add the name, serial number, and order number of such registrant to the office file copy and the publicly posted copy of the List of Registrants (Form 3) for the age group to which such registrant belongs.

(b) When the Registration Card (Form 1) of a registrant in Group 4 is received late, the local board shall add the name and serial number of such registrant to the office file copy and the publicly posted copy of the List of Registrants (Form 3) for the age group to which such registrant belongs.

(c) Each time a registrant is added to the office file copy and publicly posted copy of a List of Registrants (Form 3), the same information shall be placed upon a List of Registrants (Form 3) and a Duplicate List of Registrants (Form 3A), both of which shall be forwarded to the State Director of Selective Service. The State Director of Selective Service shall file each such List of Registrants (Form 3) and shall forward to the Director of Selective Service, Gimbel Building, Philadelphia, Pennsylvania, each such Duplicate List of Registrants (Form 3A).

6. Amend § 616.42 to read as follows:

§ 616.42 *Entries in Classification Record.* The local board shall enter the name, serial number, and order number of each registrant in Group 1, Group 2, or Group 3 whose Registration Card (Form 1) is received late in the Classification Record (Form 100) following the names, serial numbers, and order numbers of the registrants in the age group to which such registrant belongs. To make certain that the case of such registrant is handled in its proper turn, the local board shall insert an "R," followed by the page on which his name appears in the Classification Record (Form 100), in the column of order numbers in the Classification Record (Form 100) at the place where the order number of such registrant would have appeared in the Classification Record (Form 100) had his Registration Card (Form 1) been received on time. For example: If the registrant is in Group 1, his order number is 83A, and his name appears on page 30 of the Classification Record (Form 100), print "R page 30" between Order Numbers 83 and 84.

7. Amend § 616.43 to read as follows:

§ 616.43 *Preparing Cover Sheet.* For each registrant in Group 1, Group 2, or Group 3 whose Registration Card (Form 1) is received late, the local board shall prepare a Cover Sheet (Form 53) and place it in the appropriate file. For each registrant in Group 4 whose Registration Card (Form 1) is received late, the local board shall prepare a Filing Folder (Form 54) and place it in the appropriate file.

8. Amend § 616.44 to read as follows:

§ 616.44 *Filing Registration Card.* When a registrant's Registration Card (Form 1) is received late, it shall be filed in the appropriate alphabetical file of Registration Cards (Form 1).

9. Amend § 616.45 to read as follows:

§ 616.45 *When Selective Service Questionnaire is mailed immediately.* If Selective Service Questionnaires (Form 40)

have been mailed to registrants in Group 1, Group 2, or Group 3 who have larger order numbers than the registrant whose Registration Card (Form 1) is received late, the local board shall immediately mail to the registrant whose Registration Card (Form 1) is received late his Selective Service Questionnaire (Form 40).

10. Amend the regulations by inserting a new section to be known as § 616.46 to read as follows:

§ 616.46 *Occupational questionnaire to be mailed immediately.* If the Selective Service Occupational Questionnaire (Form 311) have been mailed to registrants of the age group to which the registrant whose Registration Card (Form 1) is received late belongs, the local board shall immediately mail to such registrant his Selective Service Occupational Questionnaire (Form 311).

11. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the division of the Federal Register.

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 42-3067; Filed, April 6, 1942; 3:25 p. m.]

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 976—MOTOR TRUCKS, TRUCK TRAILERS, AND PASSENGER CARRIERS

EXTENSION NO. 5 OF LIMITED PREFERENCE RATING ORDER P-54, AS AMENDED

Section 976.2 (*Limited Preference Rating Order P-54,*[1] *as amended and extended*) shall continue in effect until May 31, 1942 unless otherwise revoked or modified by the Director of Industry Operations. In order to effectuate this extension, § 976.2 (e) (3) is hereby amended to read as follows:

(3) *By a producer or a supplier.*

(i) Unless the material to be delivered cannot be obtained when required without such rating.

(ii) To obtain deliveries earlier than required.

(iii) To deliveries of materials on purchase orders placed after May 1, 1942.

(iv) To deliveries of materials on purchase orders calling for delivery after May 31, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This Order shall take effect as of March 1, 1942. Issued this 7th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3089; Filed, April 7, 1942; 11:41 a. m.]

[1] 6 F.R. 4731, 5273, 5677; 7 F.R. 30, 515, 1792, 2579.

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-14—HOOVER CO.

The Hoover Company, North Canton, Ohio, is a manufacturer of vacuum cleaners and sweepers, and in connection with such manufacture, maintains a foundry for melting and otherwise processing aluminum and aluminum scrap. During the period of July through October, 1941, the Company made shipments of 25,615 pounds of aluminum which had been approved by Office of Production Management upon the representation by the Company that such aluminum was to be used for circuit breakers. The aluminum actually was to be used for motor bases and small motor parts, and the shipment thereof would not have been authorized had full disclosure been made. During the period of June through October, 1941, the Company made shipments of 140,382 pounds of aluminum pursuant to toll agreements despite the fact that such shipments had not been approved by the Director of Priorities. These shipments were made in violation of Supplementary Order M-1-a. During the period of June through October, 1941, the Company accepted deliveries of 179,274 pounds of scrap aluminum for the purpose of melting and otherwise processing the same despite the fact that no preference ratings had been assigned to such deliveries nor other authorization obtained therefor. The acceptance of these deliveries constituted violations of Supplementary Order M-1-c.

By reason of its violation of Supplementary Orders M-1-a and M-1-c, The Hoover Company has operated under more favorable conditions of competition that its competitors, thereby obstructing the impartial administration of the Priorities System and effecting a diversion from the requirements of the War Program of approximately 500,000 pounds of secondary aluminum. In view of the foregoing facts,

It is hereby ordered:

§ 1010.14 *Suspension Order S-14.* (a) During the period in which this Order shall be in effect, The Hoover Company of North Canton, Ohio, its successors and assigns, shall accept no deliveries from any source of primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part, except as specifically authorized by the Director of Industry Operations.

(b) Beginning ten days after the effective date of this Order and during the remainder of the period in which this Order shall be in effect, The Hoover Company of North Canton, Ohio, its successors and assigns, shall not process any primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part except as specifically authorized by the Director of Industry Operations.

(c) During the period in which this Order shall be in effect, The Hoover Company of North Canton, Ohio, its successors and assigns, shall make no deliveries of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products except as specifically authorized by the Director of Industry Operations.

(d) During the period in which this Order shall be in effect, The Hoover Company of North Canton, Ohio, its successors and assigns, shall accept no purchase orders and enter into no contracts or commitments for delivery by it of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products except as specifically authorized by the Director of Industry Operations.

(e) During the period in which this Order shall be in effect, no person shall deliver to nor receive from The Hoover Company of North Canton, Ohio, its successors and assigns, any primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products, the delivery or receipt of which is prohibited by this Order, except as specifically authorized by the Director of Industry Operations.

(f) This Order shall take effect immediately, and, unless sooner terminated by the Director of Industry Operations, shall expire at midnight on the 6th day of July 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 FR. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 6th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3072; Filed, April 6, 1942; 4:31 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-30—DAVID RITTER, INC.

David Ritter, Inc., of 1239 Broadway, New York City, is a manufacturer of silk and rayon knitted ties and mufflers. The principal officers are David Ritter and Jack Unger. David Ritter, Inc., is subject to the provisions of Supplementary Order No. M-37-a, issued on September 27, 1941, to conserve the supply and direct the distribution of rayon yarn.

David Ritter, Inc., in wilful violation of the express prohibitions contained in Supplementary Order M-37-a against sale or exchange of reserved yarn by a manufacturer to whom it has been allocated, sold or exchanged five cases of such yarn to Jesam Yarn Company. Furthermore, Jesam Yarn Company is not permitted by the terms of the Order to purchase or receive reserved yarn. This transfer diverted reserved yarn to uses unauthorized by the Director of Priorities.

In addition, David Ritter, Inc., on November 17, 1941, in a letter signed by Jack Unger, falsely represented to the Assistant Director of Purchases, Silk Substitution Section, that the reserved rayon

yarn which had been allocated to it was being processed by David Ritter, Inc.

It is hereby ordered that:

§ 1010.30 *Suspension Order S-30.* (a) David Ritter, Inc., its successors and assigns, shall accept no delivery from any source of any yarn reserved or otherwise set aside by any order of the Director of Priorities or of the Director of Industry Operations, except as specifically authorized by the Director of Industry Operations.

(b) No person shall deliver to David Ritter, Inc., its successors or assigns, yarn reserved or otherwise set aside by any order of the Director of Priorities or of the Director of Industry Operations, except upon specific authorization of the Director of Industry Operations.

(c) Deliveries of material or equipment to David Ritter, Inc., its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be applied or assigned to such deliveries by any Preference Rating Certificate, Preference Rating Order, General Preference Order, or any other order or regulation of the Director of Industry Operations, except as the Director of Industry Operations may specifically direct.

(d) No allocation shall be made of any material or product of which the supply, distribution or production is governed by any order of the Director of Industry Operations, to David Ritter, Inc., its successors or assigns, except upon the specific direction of the Director of Industry Operations.

(e) This order shall take effect immediately and, unless sooner terminated by the Director of Industry Operations, shall expire at midnight on June 21, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 6th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3071; Filed, April 6, 1942; 4:31 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-31—JESAM YARN CO.

Jesam Yarn Company of 1239 Broadway, New York City, a partnership composed of Jesse Unger and Samuel Hertz, was organized in late September 1941 as a jobber of rayon yarn. Since it sold no raw silk in the first half of 1941, Jesam Yarn Company is prohibited by the provisions of Supplementary Order No. M-37-a from purchasing or receiving any reserved rayon yarn.

Jesam Yarn Company wilfully violated the provisions of Supplementary Order M-37-a in receiving and selling reserved rayon yarn, and diverted reserved yarn to uses unauthorized by the Director of Industry Operations.

It is hereby ordered that:

§ 1010.31 *Suspension order S-31.* (a) Neither Jesam Yarn Company, its successors or assigns, nor Jesse Unger nor Samuel Hertz shall accept delivery of yarn reserved or otherwise set aside by any order of the Director of Priorities or the Director of Industry Operations, except upon specific authorization of the Director of Industry Operations.

(b) Neither Jesam Yarn Company, its successors or assigns, nor Jesse Unger nor Samuel Hertz shall make any delivery of yarn reserved or otherwise set aside by any order of the Director of Priorities or the Director of Industry Operations, except upon specific authorization of the Director of Industry Operations.

(c) Deliveries of material or equipment to Jesam Yarn Company, its successors or assigns, Jesse Unger, or Samuel Hertz shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be applied or assigned to such deliveries by any Preference Rating Certificate, Preference Rating Order, General Preference Order, or any other order or regulation of the Director of Industry Operations, except as the Director of Industry Operations may specifically direct.

(d) No allocation shall be made of any material or product of which the supply, distribution or production is governed by any order of the Director of Industry Operations, to Jesam Yarn Company, its successors or assigns, Jesse Unger, or Samuel Hertz, except upon the specific direction of the Director of Industry Operations.

(e) This order shall take effect immediately and, unless sooner terminated by the Director of Industry Operations, shall expire at midnight on June 21, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 6th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3070; Filed, April 6, 1942; 4:30 p. m.]

PART 1104—BICYCLES

AMENDMENT NO. 1 TO SUPPLEMENTARY LIMITATION ORDER L-52-a

Section 1104.2 (*Supplementary General Limitation Order L-52-a* [1]) is hereby amended in the following particular:

Paragraph (b) is hereby amended by striking therefrom the words "nineteen inches" and substituting therefor the words "seventeen inches". (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This Amendment shall take effect immediately. Issued this 7th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3090; Filed, April 7, 1942; 11:41 a. m.]

[1] 7 F.R. 2596.

PART 1156—TOYS AND GAMES

AMENDMENT NO. 1 TO LIMITATION ORDER L-81

Section 1156.1 (*General Limitation Order L-81* [1]) is hereby amended in the following particulars:

Subparagraph (a) (5) is hereby amended by striking therefrom items (viii) through (xx), inclusive, and by changing "(xxi) Antimony" so that it reads "(viii) Antimony", and by changing "(xxii) Tin" so that it reads "(ix) Tin".

Paragraph (b) is hereby amended by adding to the end thereof the following new subparagraph:

(8) After June 30, 1942, no person who manufactures toys or games shall use any of the materials listed below in any form whatsoever in paints, lacquers, varnishes, or any other surface or protective coatings in the manufacture of toys or games.

(i) Any organic or inorganic pigment or dry color other than:

(*a*) Domestic earth colors.
(*b*) Ultramarine blue.
(*c*) Carbon black.
(*d*) Lampblack.
(*e*) Boneblack.
(*f*) Titanium dioxide.
(*g*) Lithopone.

(ii) Perrilla oil.
(iii) Oiticica oil.
(iv) Cellulose esters or ethers (except for banding and decorative purposes limited to a single coat covering not more than 10% of the surface area).
(v) Polyhydric alcohols, combinations or modifications thereof (except where required in the formulation of permissible cellulose ester and ether combinations under (iv) above).
(vi) Polybasic acids, combination or modifications thereof (except where required in the formulation of cellulose ester and ether combinations permitted under (iv) above).
(vii) Acrylic acid or acrylic derivatives.
(viii) Vinyl chloride, acetate or copolymer.
(ix) Solvesso #1.
(x) Natural resins (except pine rosin and its derivatives).
(xi) Urea formaldehyde or melamine containing compounds.
(xii) Tricresyl phosphate, triphenyl phosphate, dibutyl phthalate, diethyl

[1] 7 F.R. 2471.

phthalate, and other chemical plasticizers other than raw or blown castor oil.

(xiii) Copper naphthanate.

This amendment shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 6th day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3063; Filed, April 6, 1942; 3:05 p. m.]

Chapter XI—Office of Price Administration

PART 1301—MACHINE TOOLS

AMENDMENT NO. 5 TO REVISED PRICE SCHEDULE NO. 67 [1] NEW MACHINE TOOLS

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2] New subparagraph (7) is added to § 1301.51 (a), new subparagraph (2) is added to § 1301.54 (e) and new paragraph (e) is added to § 1301.59a as set forth below:

§ 1301.51 *Maximum prices for new machine tools and extras.*

(a) * * *

* * * * *

(7) *Defiance Machine Works, Inc., Defiance, Ohio.* Notwithstanding any other provisions of this paragraph (a), on and after April 2, 1942, regardless of the terms of any existing contract of sale or other commitment, the maximum price at which Defiance Machine Works, Inc. may sell, offer to sell, deliver or transfer, and the maximum price at which any person may buy, offer to buy, or accept delivery from Defiance Machine Works, Inc., of the machine tools manufactured by Power Gates Company, of Louisville, Kentucky, as subcontractor shall be the price set opposite each such machine tool set forth in subdivision (i) of this subparagraph.

(i) Quantity	Type	Maximum price
		Each
One hundred (100).	Model No. 112-21″ Production Drilling Machine, manufactured by Power Gates Company, as subcontractor for Defiance Machine Works, Inc.	$1,600.00
Fifty (50)	Model No. 200-26″ Heavy Duty Production Drilling Machine, manufactured by Power Gates Company, as subcontractor for Defiance Machine Works, Inc.	2,062.00

§ 1301.54 *Records and reports.*

(e) (1) * * *

(2) *Defiance Machine Works, Inc., Defiance, Ohio.* Defiance Machine Works, Inc., shall file with the Office of Price Administration, Washington, D. C., the serial number of each machine tool set forth in § 1301.51 (a) (7) (i) within ten days after each such serial number shall become available.

§ 1301.59a Effective date of amendments.

* * * * *

(e) Amendment No. 5 (§§ 1301.51 (a) (7), 1301.54 (e) (2) and 1301.59a (e)) to Revised Price Schedule No. 67 shall become effective April 6, 1942.

(Pub. Law No. 421, 77th Cong.)

Issued this 6th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3074; Filed, April 6, 1942; 4:57 p. m.]

PART 1301—MACHINE TOOLS

AMENDMENT NO. 6 TO REVISED PRICE SCHEDULE NO. 67 [1]—NEW MACHINE TOOLS

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2] New subparagraph (8) is added to § 1301.51 (a), new subparagraph (3) is added to § 1301.54 (e), and new paragraph (f) is added to § 1301.59a as set forth below.

§ 1301.51 *Maximum prices for new machine tools and extras.*

(a) * * *

* * * * *

(8) *Norton Company, Worcester, Massachusetts.* Notwithstanding any other provision of this paragraph (a), on and after April 6, 1942, regardless of the terms of any existing contract of sale or other commitment, the maximum price at which Norton Company may sell, offer to sell, deliver or transfer one hundred fifty (150) Model No. 26 Hyprolap Machines, to be manufactured for Norton Company by subcontractors other than Dennison Manufacturing Company of Framingham, Massachusetts, and the maximum price at which any person may buy, offer to buy, or accept delivery of any such machine tool shall be the price of $7,290.00 each. The provisions of this subparagraph (8) are conditional upon Norton Company (i) expending not less than the sum of $40,000 in the preparation of new patterns and the acquisition of new jigs, fixtures and tools for the manufacture of such machine tools by subcontractors other than Dennison Manufacturing Company of Framingham, Massachusetts, and (ii) filing the reports required by § 1301.54 (e) (3).

§ 1301.54 *Records and reports.*

(e) * * *

* * * * *

(3) The Norton Company, Worcester, Massachusetts, shall file with the Office of Price Administration, Washington, D. C., (i) the name and address of each subcontractor which will manufacture the Hyprolap Machines referred to in § 1301.51 (a) (8) and the date of the contract with each such subcontractor, within ten days after the execution of each such contract; (ii) the serial number of each such Hyprolap Machine manufactured by each such subcontractor, within ten days after each such serial number shall become available; (iii) a statement containing a detailed list of the patterns, jigs, fixtures and tools delivered to the subcontractors and the net cost of each such item, within ten days after all such items shall have been acquired by Norton Company.

§ 1301.59a *Effective dates of amendments.*

* * * * *

(f) Amendment No. 6 (§§ 1301.51 (a) (8), 1301.54 (e) (3), and 1301.59a (f)) to Revised Price Schedule No. 67 shall become effective April 6, 1942.

(Pub. Law No. 421 77th Cong.)

Issued this 6th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3073; Filed, April 6, 1942; 4:58 p. m.]

PART 1339—METAL ORES

MAXIMUM PRICE REGULATION NO. 113—IRON ORE PRODUCED IN MINNESOTA, WISCONSIN AND MICHIGAN

In the judgment of the Price Administrator the prices of market iron ore produced in Minnesota, Wisconsin and Michigan have threatened to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of market iron ore prevailing between October 1 and October 15, 1941, and during the shipping season of 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been prepared and is issued simultaneously herewith.[2]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 113 is hereby issued.

AUTHORITY: §§ 1339.1 to 1339.12, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong.

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[1] 7 F.R. 1337, 1836, 2000, 2105, 2472, 2473, 2539.

[2] Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

[1] 7 F.R. 1337, 1836, 2000, 2105, 2472, 2473, 2539.

[1] 7 F.R. 971.

§ 1339.1 *Maximum prices for iron ore produced in Minnesota, Wisconsin and Michigan.* On and after April 10, 1942, regardless of any contract, agreement, lease, or other obligation, except as provided in §§ 1339.2 and 1339.3, no person shall sell, offer to sell, deliver, or transfer iron ore at a price higher than the weighted average spot price, based on Lower Lake ports delivery, at which such person made spot sales of the same classification of standard ore or spot sales of the same grade of special ore during the shipping season of 1941: *Provided,* That unexpired contracts for the sale of iron ore made before the close of the shipping season of 1941, and on which deliveries were made during the shipping season of 1941, shall remain in full force and effect, except that no term or condition of such unexpired contract providing for further escalation or increase in price, after the close of the shipping season of 1941, shall be valid or enforceable. When ore is sold for delivery at the mine, Upper Lake rail freight and lake freight at the established rates for the mode of transportation employed are to be deducted from the weighted average spot price for Lower Lake delivery; when ore is sold for delivery at Upper Lake ports, lake freight at established rates is to be deducted from the weighted average spot price for Lower Lake delivery.

§ 1339.2 *Maximum prices for tonnage from mines not operated in 1940 and 1941.* (a) The maximum price for iron ore shipped from a mine from which no ore was mined and from which no ore was shipped, except from stock-pile, during 1940 and 1941, shall be a price equivalent to $4.45 per gross ton delivered at Lower Lake ports for Mesabi non-Bessemer 51.50% iron, natural content, as adjusted for grade and analysis according to the established differentials, premiums, and penalties incorporated in this Maximum Price Regulation No. 113 in § 1339.11 (a) (8).

(b) When ore is sold for delivery at the mine, Upper Lake rail freight and lake freight at the established rates for the mode of transportation employed are to be deducted from the Lower Lake price; when ore is sold for delivery at Upper Lake ports, lake freight at the established rates is to be deducted from the Lower Lake price.

(c) Each producer of such ore shall file with the Office of Price Administration an affidavit, accurately describing the mine and the iron ore produced therein, and stating that the mine from which such ore was produced was not operated and that no iron ore was shipped therefrom except from stock-pile during 1940 or 1941. No sale of such ore, at a price above the maximum permitted by this Maximum Price Regulation No. 113, exclusive of this section, shall be made until the producer receives the written permission of the Office of Price Administration.

(d) Each producer of such iron ore shall, on or before May 10, 1942, and on or before the 10th day of each month thereafter, file with the Office of Price Administration in affidavit form a statement (1) of the number of gross tons produced during the preceding month; (2) of the number of tons sold during the preceding month, and (3) the names and addresses of the purchasers.

§ 1339.3 *Maximum prices for new sellers.* Any person who did not sell iron ore during the shipping season of 1941, may, after the effective date of this Maximum Price Regulation No. 113, sell iron ore at a price not higher than the weighted average spot price of a seller situated in substantially similar circumstances. The weighted average price of such seller may be had on application to the Office of Price Administration.

§ 1339.4 *Filing of data for computation of weighted average spot price.* Every seller of iron ore during the shipping season of 1941 shall file with the Office of Price Administration a statement of the number of gross tons of each classification of standard ore and grade of special ore he sold spot during the shipping season of 1941, the prices received therefore, the places of delivery, the equivalent Lower Lake prices for 51.50% Mesabi non-Bessemer ore and the weighted average spot price of each. Where iron ore was sold for delivery at the mine, Lower Lake delivered prices shall be deemed the f. o. b. mine prices, plus lake freight at 1941 established rates for the mode of transportation employed and Upper Lake rail freight at 1941 published rates; where ore was sold for delivery at Upper Lake ports the Lower Lake delivered prices shall be deemed the Upper Lake prices, plus lake freight at 1941 established rates.

§ 1339.5 *Less than maximum prices.* Lower prices than those set forth in §§ 1339.1, 1339.2, and 1339.3 may be charged, demanded, paid, or offered.

§ 1339.6 *Evasion.* The price limitations set forth in §§ 1339.1, 1339.2, and 1339.3 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of iron ore, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1339.7 *Records and reports.* (a) Every person making purchases or sales of iron ore after April 1, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years, complete and accurate records of (1) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity of each classification and grade purchased or sold, and (2) the quantity of iron ore (i) on hand, and (ii) on order, as of the close of each calendar month.

(b) Persons affected by this Maximum Price Regulation No. 113 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

§ 1339.8 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 113 shall be subject to the civil and criminal penalties, civil enforcement actions, and suits for treble damage provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 113 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1339.9 *Petitions for amendment, adjustment, or exception.* (a) Persons seeking any modification of any provision of this Maximum Price Regulation No. 113 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the Provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

(b) Any person, who is prepared to show that (1) its cost of production of iron ore is above its mine net realization on such product at maximum prices or (2) its mine net realization is inadequate in view of its high operating costs for continued operations at maximum prices, may file a petition for an adjustment or exception of the maximum prices established by Maximum Price Regulation No. 113—Iron Ore Produced in Minnesota, Wisconsin and Michigan. In such cases the petitioner should submit, and the Office of Price Administration will consider, all relevant data, including the relation of the current, requested, and projected realization on the iron ore, and, the necessity, in terms of the war effort, for the granting of such adjustment or exception. The Office of Price Administration may require, in connection with any such petition, full data on costs, profits, and other relevant factors. Petitions for adjustment or exception pursuant to this section shall be filed in the manner stated in §§ 1300.38 through 1300.41 of Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1339.10 *Geographical application.* The provision of Maximum Price Regulation No. 113 shall apply only to sales, offers to sell or deliveries of iron ore produced in Minnesota, Wisconsin and Michigan moving within, into or out of one of the forty-eight States of the United States, or the District of Columbia.

§ 1339.11 *Definitions.* (a) When used in this Maximum Price Regulation No. 113, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any organized group of persons, or legal successor representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing;

(2) "Iron ore" means all classifications, grades, groups, blends, mixes and other categories of market, merchant, and non-captive iron ore, whether sold under a trade name or otherwise, produced in the

States of Minnesota, Wisconsin and Michigan and used in the manufacture of iron or steel;

(3) "Lower Lake ports" means all ports on Lake Michigan, Lake Erie, Lake Huron, Lake Ontario, and their connecting waters, at which iron ore may be unloaded;

(4) "Upper Lake ports" means all ports on Lake Superior and Lake Michigan at which iron ore may be loaded for shipment;

(5) "Spot sale" means a sale or contract to sell requiring complete delivery of the iron ore during one shipping season;

(6) "Classification of standard ore" means one of the following classes: Mesabi non-Bessemer, Mesabi Bessemer, Old Range non-Bessemer, Old Range Bessemer, and High Phosphorus.

(7) "Grade of special ore" means one of the following grades: lump, manganiferous, siliceous, or off-grade ores.

(8) "Weighted average spot price" means that figure stated in dollars and cents which is computed by dividing the number of dollars received by the seller on his spot sales of each classification of standard iron ore or grade of special iron ore during the 1941 shipping season by the total number of gross tons of such classification or grade sold at spot by said seller during said season. Such prices shall be calculated to the base price at Lower Lake ports for 51.50 per cent Mesabi non-Bessemer iron ore according to adjustments hereafter set forth and when same are not applicable, the basis of adjustment as applied to such special grades as were in effect during the 1941 season shall be employed.

Adjustments

(i) The differentials for adjusting prices on a basis of natural iron content to a base price for Mesabi non-Bessemer ore shall be the established differentials (the unit value is obtained by dividing the applicable maximum price by 51.50), namely:

Class	Lake Erie base price, 51.50 per cent iron	Unit values at stated base prices
Mesabi non-Bessemer	$4.45	$0.08641
Mesabi Bessemer	4.60	.08932
Old Range non-Bessemer	4.60	.08932
Old Range Bessemer	4.75	.09223
High Phosphorus	4.35	.08447

(*a*) The unit values are to be used in computing prices in the established manner, namely:

When less than 51.50% and not less than 50.00% iron: from the base price deduct at the rate of the base unit value for each unit or fraction of a unit.

When less than 50.00% and not less than 49.00% iron: from the price computed for 50.00% iron deduct at the rate of one and a half times the base unit value for the unit or fraction of a unit less than 50.00%.

When less than 49.00% iron: from the price computed for 49.00% iron deduct at the rate of two times the base unit value for each unit or fraction of a unit of iron less than 49.00%.

When over 51.50% iron: to the base price add at the rate of the base unit value for each unit or fraction of a unit of iron more than 51.50%.

(*b*) "Old Range" includes the Menominee, Marquette, Gogebic and Vermilion ranges. Bessemer ore is ore which includes not more than .045 per cent phosphorus, dry. Premiums for phosphorus content less than .045 shall not exceed the standard phosphorus table, reproduced below. High phosphorus ore is Menominee range ore which contains .300 per cent or more phosphorus, dry, for 51.50% iron.

Phosphorus table

Percent of phos.	Rate of progr'n	Phos. values
0.045	0.0000	0.0000
0.044	.0080	.0080
0.043	.0085	.0165
0.042	.0090	.0255
0.041	.0095	.0350
0.040	.0100	.0450
0.039	.0105	.0555
0.038	.0110	.0665
0.037	.0115	.0780
0.036	.0120	.0900
0.035	.0125	.1025
0.034	.0130	.1155
0.033	.0135	.1290
0.032	.0140	.1430
0.031	.0145	.1575
0.030	.0150	.1725
0.029	.0155	.1880
0.028	.0160	.2040
0.027	.0165	.2205
0.026	.0170	.2375
0.025	.0175	.2550
0.024	.0180	.2730
0.023	.0185	.2915
0.022	.0190	.3105
0.021	.0195	.3300
0.020	.0200	.3500
0.019	.0205	.3705
0.018	.0210	.3915
0.017	.0215	.4130
0.016	.0220	.4350
0.015	.0225	.4575
0.014	.0230	.4805
0.013	.0235	.5040
0.012	.0240	.5280
0.011	.0245	.5525
0.010	.0250	.5775
0.009	.0255	.6030
0.008	.0260	.6290
0.007	.0265	.6555
0.006	.0270	.6825
0.005	.0275	.7100
0.004	.0280	.7380
0.003	.0285	.7665
0.002	.0290	.7955
0.001	.0295	.8250

(ii) *Silica.* The same penalties for silica which each seller incurred during the 1941 season shall continue in force.

(iii) *Structure.* The same penalties for fine structure which each seller incurred during the 1941 season shall continue in force.

(iv) *Lump ore.* The same premium for lump ore sold for use in open hearth furnaces which each seller obtained in the 1941 season may be added to the standard base price.

§ 1339.12 *Effective date.* This Maximum Price Regulation No. 113 (§§ 1339.1 to 1339.12, inclusive) shall become effective April 10, 1942.

Issued this 7th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3087; Filed, April 7, 1942; 11:18 a. m.]

PART 1340—FUEL

AMENDMENT NO. 2 TO TEMPORARY MAXIMUM PRICE REGULATION NO. 11 [1]—MOTOR FUEL SOLD AT SERVICE STATIONS IN THE CURTAILMENT AREA

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

A new paragraph (f) is added to § 1340.181 as set forth below:

§ 1340.181 *Appendix A: Maximum prices for motor fuel sold at service stations in the curtailment area.*

* * * * *

(f) Where the maximum price for any grade of motor fuel at a service station in the curtailment area, calculated under (a) through (e) above, results in a difference of less than 3 cents per gallon between the price charged to the operator of the service station and the maximum price so calculated, the maximum price for such grade of motor fuel at such service station shall be no less than 3 cents higher than the price charged to the service station operator: *Provided,* That persons calculating maximum prices under this paragraph shall submit to the Office of Price Administration a certified statement of the price charged to them for each grade of motor fuel and the maximum price otherwise applicable under (a) through (e) above on or before May 11, 1942 after adjusting prices under this paragraph.

§ 1340.183 *Effective dates of amendments.*

* * * * *

(b) Amendment No. 2 (§§ 1340.181 (f), 1340.183 (b)) to Temporary Maximum Price Regulation No. 11 shall become effective April 11, 1942. Until such date Temporary Maximum Price Regulation No. 11 continues in effect as if not amended by Amendment No. 2.

(Pub. Law 421, 77th Cong.)

Issued this 7th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3088; Filed, April 7, 1942; 11:18 a. m.]

PART 1306—IRON AND STEEL

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 49—RESALE OF IRON OR STEEL PRODUCTS

Correction

The word "of" in the eighth line of § 1306.159 (h) (2) appearing on page 2541 of the issue for Thursday, April 2, 1942, should read "or".

PART 1364—FRESH, SMOKED AND CANNED MEAT PRODUCTS

AMENDMENT NO. 5 TO TEMPORARY MAXIMUM PRICE REGULATION NO. 8 [3]—DRESSED HOGS AND WHOLESALE PORK CUTS

A statement of the considerations involved in the issuance of this Amend-

[1] 7 F.R. 2169, 2352.

[2] Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

[3] 7 F.R. 1841, 2245, 2306, 2307, 2513.

ment has been prepared and is issued simultaneously herewith.[1]

A new subparagraph (3) is added to § 1364.1 (c), and a new paragraph (e) is added to § 1364.13, as set forth below:

§ 1364.1 *Maximum prices for dressed hogs and wholesale pork cuts.*

* * * * *

(c) (1) (2) * * *

(3) In any sale of dressed hog by any seller who sold dressed hogs during the period March 3, 1942, to March 7, 1942 upon the basis of a percentage of the live hog price (hereinafter called a "denominator"), the maximum price shall be the current live hog price multiplied by the highest denominator used by the seller in sales during such period upon the same specifications to a similar purchaser: *Provided,* That this paragraph (c) (3) shall not apply to sales of dressed hog to any person who sells at retail.

* * * * *

§ 1364.13 *Effective dates of amendments.*

* * * * *

(e) Amendment No. 5 (§ 1364.1 (c) and § 1364.13 (e)) to Temporary Maximum Price Regulation No. 8 shall become effective April 6, 1942. Until such date, Temporary Maximum Price Regulation No. 8 continues in effect as if not amended by Amendment No. 5.

(Pub. Law 421, 77th Cong.)

Issued this 6th day of April, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3075; Filed, April 6, 1942; 5:00 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 7—ANCHORAGE AND MOVEMENTS OF VESSELS AND THE LADING AND DISCHARGING OF EXPLOSIVE OR INFLAMMABLE MATERIAL, OR OTHER DANGEROUS CARGO

PORT OF NEW YORK—MISSISSIPPI RIVER NEAR TWELVE-MILE POINT, LA.

Pursuant to the authority contained in section 1, Title II of the Act of June 15, 1917, 40 Stat. 220 (50 U.S.C. 191), as amended by the Act of November 15, 1941 (Public Law 292, 77th Congress), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419) and November 1, 1941 (6 F.R. 5581), respectively, the Rules and Regulations Governing the Anchorage and Movements of Vessels and the Lading and Discharging of Explosive or Inflammable Material, or Other Dangerous Cargo, approved October 29, 1940 (5 F.R. 4401), as amended, are hereby further amended as follows:

Section 7.10 (c), which reaffirmed and continued in force the anchorage areas and grounds established by the Secretary of War (Code of Federal Regulations Title 33, Part 202), together with amendments and addenda thereto, is amended by modifying and defining anchorage No. 1, Long Island Sound Anchorages, as follows:

§ 7.10 *Anchorage regulations for certain ports of the U. S.*

* * * * *

(c) * * *

The Port of New York. Southwestward of a line, between Neptune Island and Glen Island, ranging from the flashing red light on Aunt Phebe Rock and tangent to the north edge of Glen Island; southwestward of a line tangent to the northeast edges of Glen Island and Goose Islands breakwater; southwestward of a line bearing southeasterly from the southwest end of Goose Islands breakwater and on range with the south gable of the Casino on the northeast end of Glen Island; westward of a line ranging from the east edge of the said breakwater to the west edge of the north end of Hart Island; westward of a line ranging thence toward the radio tower on Willets Point to a point off the south end of City Island; and northwestward of a line ranging from the flashing red light at the south end of Hart Island to Locust Point. Boats shall not anchor in this area in buoyed channels and must be so anchored as to leave at all times an open, usable channel, at least 50 feet wide, west and south of Glen Island.

Section 7.10 (c) (18) is amended by adding the following subparagraphs:

New Rochelle Harbor; Travers Island Creek Anchorage. The portion of the Port of New York, Long Island Sound Anchorage No. 1 lying between Hog Island, Travers Island, Neptune Island and Glen Island and the mainland to the westward of a line extending from the cupola at the southeast extremity of Glen Island to the easternmost extremity of Hog Island and to the northeastward of a line extending from the southwest extremity of Hog Island to the southeast corner of Travers Island: Except, that no vessel shall anchor without lights within 25 feet of the 50-foot channel west and south of Glen Island.

Goose Islands Anchorage. The portion of the Port of New York, Long Island Sound Anchorage No. 1 between Glen Island and Goose Islands breakwater, northward of a line extending from the northwest end of Goose Islands breakwater to the cupola at the north end of the bathing beach on Glen Island.

The following new section is inserted:

§ 7.92 *Mississippi River in the vicinity of Twelve-Mile Point between Violet and Shingle Point, Louisiana; movement of vessels.* (a) The movement of all vessels in the vicinity of Twelve Mile Point shall be governed by red and green traffic signal lights.

(b) *Location of signal lights.* (1) Upbound vessels will be controlled by traffic signal lights on "Cable Area South Range Rear Light Tower," 40 feet above mean low water and located on the left descending bank of the Mississippi River, about 245 yards from and bearing 197 degrees from Poydras Light. (Poydras Light will be extinguished but the tower will remain in place.)

(2) Downbound vessels will be controlled by traffic signal lights on "Cable Area North Range Rear Light Tower," 40 feet above mean low water on the left descending bank of the Mississippi River, on the northerly bank of Violet Canal, about 2513 yards from and bearing 349 degrees 38 minutes from Old Depot Light.

(c) *Signals.* (1) A red light displayed to vessels indicates that the course is not clear and that the vessels must stop.

(2) A green light displayed to vessels indicates that the course is clear and that vessels may proceed.

(3) When neither a red nor a green light is displayed, vessels shall be maneuvered in accordance with pilot rules applicable, and no attempt shall be made to follow any prescribed course over cable area.

(d) *Anchoring prohibited.* No vessel shall anchor at any time or place in the area between the north and south traffic signal lights.

(e) *Ascending vessels.* (1) An ascending vessel shall not proceed further up the river than Braithwaite Wharf when a red light is displayed from "Cable Area South Range Rear Light Tower," and shall keep close in to the left ascending bank of the river and so maneuver as to keep clear of descending vessels.

(2) All meetings and passings of vessels in this area shall be in accordance with the rule for narrow channels, which requires that all passings shall be starboard to starboard.

(g) *Use of cable area.* (1) Vessels properly equipped and others having previously made arrangements with the Commandant, Eighth Naval District, New Orleans, Louisiana, shall indicate their intention to use the cable area by hoisting signal flags "Affirm" (A) over "Roger" (R) during daylight conditions and by displaying two blue lights, 4 to 6 feet apart vertically in forward part of the vessel at night or under conditions of poor visibility.

(2) In using the cable area, the vessel shall maneuver so that when between a point approximately 2,000 feet upstream and 2,000 feet downstream from the "Cable Area Lighted Buoy," the vessel will be on a magnetic north or south course (06°17″ true), indicated by alignment of front and rear range lights between "Cable Area Traffic Lights." The "Cable Area Lighted Buoy" is located in the river landward toward the right descending bank from the center line thereof at a position about 116 yards north of "Old Depot Light," about 1,966 yards north of "Cable Area South Rear Range Light Tower," and about 2,266 yards south of "Cable Area North Rear Range Light Tower."

(3) While using the cable area, the vessel shall hold a steady north or south magnetic course at medium speed.

(4) While using the cable area, the vessel shall keep close watch for and obey all signals which may be displayed from the control house located on the levee on

[1] Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

the left descending bank of the river opposite the "Cable Area Lighted Buoy," and shall also be prepared to take aboard a boarding party upon signal from a United States Navy boat operating in the area.

(5) Vessels not using the cable area are not obligated to follow the above-described course and should be maneuvered in accordance with pilot rules applicable.

(6) Under conditions of poor visibility, vessels shall exercise caution in using the cable area, and in emergencies be governed by the pilot rules applicable.

(h) The term "vessel" shall include all ships, whether under their own power or in tow, and all barges in tow, and also all tugs or towboats without tows and all river craft of any description operating under their own power.

(i) These Rules and Regulations will be enforced by the Captain of the Port, New Orleans, Louisiana. The Captain of the Port is authorized to suspend these rules and regulations indefinitely, or for such periods as he may determine, when in his judgment such action is for any reason necessary, and he may prescribe the hours of each day during which these rules and regulations are operative as well as the days on which these rules and regulations are inoperative, and such order will be effective upon publication in the FEDERAL REGISTER as prescribed by law and until otherwise ordered by the Captain of the Port, New Orleans, Louisiana.

FRANK KNOX,
Secretary of the Navy.

Approved:

FRANKLIN D ROOSEVELT
The White House, March 31, 1942.

[F. R. Doc. 42-3069; Filed, April 6, 1942; 4:09 p. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of the Public Debt

[1942 Dept. Circ. No. 683]

½ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES A-1942

APRIL 6, 1942.

I. OFFERING OF CERTIFICATES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for ½ percent certificates of indebtedness of the United States, designated Treasury Certificates of Indebtedness of Series A-1942. The amount of the offering is $1,500,000,000, or thereabouts.

II. DESCRIPTION OF CERTIFICATES

1. The certificates will be dated April 15, 1942, and will bear interest from that date at the rate of ½ percent per annum, payable on an annual basis at the maturity of the certificates. They will mature November 1, 1942, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes and will not bear the circulation privilege.

4. Bearer certificates with one interest coupon attached will be issued in denominations of $1,000, $5,000, $10,000, and $100,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers must agree not to sell or otherwise dispose of their subscriptions, or of the securities which may be allotted thereon, prior to the closing of the subscription books. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions from banks and trust companies for their own account will be received without deposit. Subscriptions from all others must be accompanied by payment of 10 percent of the amount of certificates applied for. Subscriptions will be entertained from the various classes of subscribers on the following bases:

1. Banks and trust companies for their own account—not to exceed 50 percent of capital and surplus.

2. Mutual savings and cooperative banks, Federal Savings and Loan Associations, trust accounts and investment corporations, pension funds, insurance companies, and similar institutions and funds—not to exceed 10 percent of total resources.

3. Corporations organized for profit, and dealers and brokers—not to exceed 50 percent of net worth.

4. Individuals—not to exceed 50 percent of net worth or 100 percent of cash deposited with subscription.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, subscriptions for amounts up to and including $25,000 will be allotted in full, and subscriptions for amounts over $25,000 will be allotted on an equal percentage basis, but not less than $25,000 on any one subscription. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for certificates allotted hereunder must be made or completed on or before April 15, 1942, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of certificates applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for certificates allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 42-3068; Filed, April 6, 1942; 3:19 p. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-721 Part II]

PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 1193 OF DISTRICT NO. 3, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937.

ORDER POSTPONING HEARING

A reopened hearing by the Order of February 19, 1942, having heretofore been scheduled for April 8, 1942, in the above-entitled matter; and

It appearing more convenient that such hearing be postponed until April 15, 1942;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from 10 o'clock in the forenoon of April 8, 1942, until 10 o'clock in the forenoon of April 15, 1942, at the Post Office Building, Clarksburg, West Virginia.

It is further ordered, That in all other respects the said Order of February 19, 1942 be, and it hereby is, continued in full force and effect.

Dated: April 6, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-3081; Filed, April 7, 1942; 10:49 a. m.]

[Docket Nos. 895-FD, C-5]

APPLICATIONS OF THE B. F. GOODRICH COMPANY FOR A DETERMINATION OF THE STATUS OF COAL PRODUCED ON LAND OWNED BY THE SAID COMPANY IN STARK AND TUSCARAWAS COUNTIES, OHIO

ORDER OF CONSOLIDATION AND NOTICE OF AND ORDER FOR HEARING

An application for a determination of the status of coal produced on land owned by the B. F. Goodrich Company in Stark County, Ohio, having been duly filed by the said company on August 18, 1939, pursuant to the Second Paragraph of section 4-A of the Bituminous Coal Act of 1937; and

An application for a determination of the status of coal produced on land owned by the B. F. Goodrich Company in Tuscarawas County, Ohio, having been duly filed by the said company on December 11, 1941, pursuant to the Second Paragraph of section 4-A of the Bituminous Coal Act of 1937; and

It appearing that the matters concerned in the above-designated dockets present related issues;

Now, therefore, it is ordered, That Dockets Nos. 895-FD and C-5 be consolidated for the purpose of hearing and for such other purposes as may be deemed advisable.

It is further ordered, That a hearing in the above-entitled matters under the applicable provisions of said Act and the rules of the Division be held on May 5, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matters. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of appropriate orders in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity eligible under section VII (i) of the Rules of Practice and Procedure before the Bituminous Coal Division shall file a petition for intervention not later than fifteen (15) days after the date of the issuance of this Notice of and Order for Hearing.

Notice is hereby given that:

(1) Within fifteen (15) days from the date of the issuance of this Notice of and Order for Hearing, the applicant or other interested parties shall file with the Division concise statements in writing of the facts expected to be proved at the hearing. Other interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statements of facts shall be considered as pleadings and not as evidence of the facts therein stated. The affirmative evidence adduced by the parties at the hearing shall be limited to the said statements of facts;

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the fifteen-day period, in the absence of extenuating circumstances, the applications shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(3) If the applicant does not appear and offer evidence in support of his statement of facts, in the absence of extenuating circumstances, the applications shall be deemed to have been withdrawn in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(4) The burden of proof in this proceeding shall be on the applicant.

All persons are hereby notified that the hearing in the above-entitled matters and any orders entered therein may concern, in addition to the matters specifically alleged in the applications, other matters necessarily incidental and related thereto, which may be raised by amendment to the applications, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of these applications.

The matter concerned herewith is in regard to the applications of the B. F. Goodrich Company, pursuant to the Second Paragraph of section 4-A of the Act, for determination of the status of coal produced on land owned by the company in Stark County, Ohio, and in Tuscarawas County, Ohio, alleging that the said coal is exempt from section 4 of the Act because it is consumed by applicant, the producer thereof, or transported by applicant to itself for consumption by it within the meaning of section 4 II (1) of the Act.

Dated: April 6, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-3082; Filed, April 7, 1942; 10:49 a. m.]

[Docket Nos. 1682-FD, 1683-FD, 1684-FD, 1685-FD, 1687-FD]

IN THE MATTERS OF C. T. NORMAN, ED SHEELOR, DAISY CITY COAL CO., K. D. ABNEY, LONG & EARLY, DEFENDANTS

ORDER GRANTING MOTIONS OF COMPLAINANT TO DISMISS COMPLAINTS WITHOUT PREJUDICE CANCELLING HEARINGS AND TERMINATING MATTERS

The Bituminous Coal Producers Board for District No. 13, the complainant in each of the above-entitled matters, having filed with the Division on May 1, 1941, a complaint dated April 29, 1941, in each of said matters, and having thereafter, on March 25, 1942, filed a separate motion in each matter requesting that the complaint in each matter be dismissed without prejudice to the filing of a new complaint upon the violations alleged in the original complaint or upon any other violation that may be disclosed; and each of the above-entitled matters having been heretofore scheduled for hearing, and the respective hearings having been thereafter postponed to dates and at hearing rooms to be thereafter designated by appropriate orders; and

Said motions having disclosed good cause for dismissing said complaints; and

The Acting Director deeming it advisable to grant said motions;

Now, therefore, it is hereby ordered, That the complaints in each of the above-entitled matters be and the same are hereby dismissed without prejudice to the right of the complainant to file new or other complaints against the respective defendants based upon the violations contained in the respective complaints heretofore filed on May 1, 1941, or based upon any other violation or violations that may be hereafter disclosed.

It is further ordered, That the hearings in the above-entitled matters be and they are hereby cancelled, and the above-entitled matters be and they are hereby terminated.

Dated: April 6, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-3083; Filed, April 7, 1942; 10:49 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 334 and 204]

AMERICAN AIRLINES, INC.

ORDER GRANTING PETITION FOR RECONSIDERATION AND REARGUMENT, DENYING STAY OF EFFECTIVE DATE OF ORDER, AND TAKING REQUEST FOR REHEARING UNDER ADVISEMENT

In the Matter of the Compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of American Airlines, Inc.

In the Matter of the Petition of American Airlines, Inc., for the determination of fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected

therewith on route Nos. 4 and 23 under section 406 of the Civil Aeronautics Act of 1938, as amended.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 6th day of April, 1942.

The Board, having in its opinion and order of March 12, 1942, fixed and determined the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, by American Airlines, Inc., over route Nos. 4, 7, 18, 21, 22, 23, 25, 30, and 56; and

American Airlines, Inc., having on April 1, 1942, filed a petition requesting rehearing, reconsideration, and reargument in this proceeding; that oral argument in support of the petition be granted; and that pending such argument and the determination thereof, the petition operate as a stay of the effective date of the order of March 12, 1942; and

The Board after due consideration of all the matters set forth in said petition and finding that said petition contains sufficient grounds for such argument and that the Board's action in this matter is in the public interest and consistent with the provisions of the Civil Aeronautics Act of 1938, as amended;

Now, therefore, it is ordered, That the above-entitled proceeding be and the same is reopened for the purpose of further argument on the issues in said proceeding on April 10, 1942, 10 a. m. (Eastern Standard Time) in Room 5042 Commerce Building, Washington, D. C.

It is further ordered, That the request of American Airlines, Inc., that the petition operate as a stay of the effective date of the order of the Board entered as of March 12, 1942, be and the same is denied.

It is further ordered, That the request of American Airlines, Inc., for rehearing be taken under advisement until after the Board shall have heard the argument ordered herein.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 42-3091; Filed, April 7, 1942; 11:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

IN THE MATTER OF F. H. WINTER & CO., 111 BROADWAY, NEW YORK, NEW YORK

OPINION AND ORDER DISMISSING PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of April A. D. 1942.

F. H. Winter & Co., a partnership, has filed an application for registration as an over-the-counter broker-dealer under section 15 of the Securities Exchange Act of 1934. The partners of applicant are Frank Harold Winter and Harry Flackman. The application for registration disclosed, as required by the applicable rules and regulations, that Flackman had been convicted in the Federal District Court in Massachusetts of violation of the Federal mail fraud statute. We instituted this proceeding by order after due notice to determine whether, pursuant to section 15 (b) of the Securities Exchange Act, it is in the public interest to postpone or deny registration. A hearing has been held before a trial examiner.

There is no dispute as to the facts. In September 1935 an indictment was returned by the Grand Jury for the Federal District Court of Massachusetts, charging Flackman and various other defendants with violation of the Federal mail fraud statute and conspiracy to violate the anti-fraud provisions of section 17 of the Securities Act of 1933. The transactions covered by the indictment were alleged to have taken place in 1933 and 1934 and to have involved fraudulent representations and a fraudulent scheme in the sale of securities of the Polymet Manufacturing Corporation. Flackman originally entered a plea of not guilty, but later pleaded guilty. The case was tried with respect to certain other defendants who were found guilty by a jury, and on appeal to the Circuit Court of Appeals the convictions were affirmed.[1] Sentence was finally pronounced in March 1938. Flackman was sentenced to be imprisoned in a penitentiary for a term of one year and one day; however, his sentence was suspended and he was placed on probation for a period of two years. On April 9, 1940, his probation was discharged.

The principals in the fraudulent scheme on which the indictment and convictions were based were William L. Jarvis and Samuel L. Gaines. From the evidence before us, it appears that Flackman's participation in the scheme was limited to his employment as a salesman for these principals. In view of the "boiler-room" tactics utilized in the solicitation of orders, we have difficulty in believing that Flackman was ignorant of, or entirely innocent with respect to, the high-pressure methods being used. However, it is not clear how far Flackman was aware of the fraudulent nature of the scheme. He, himself, denied any knowledge of the fraud. The record contains a letter from Charles W. Bartlett, the assistant United States Attorney who conducted the trial of the criminal case, which states:

> I have been asked as to the connection of Mr. Harry Flackman with the organization involved in the case of *United States* v. *Jarvis et al.* which I tried when an Assistant United States Attorney.
>
> Mr. Flackman was an employe, not a principal, and was not a party to the inception or management of the venture. When asked as to his part in it he came forward and told it, later testifying on behalf of the Government.

Flackman is 38 years of age. He has been in the securities business since 1920. Since April 1940 he has been engaged in the sale of oil royalties on a commission basis as an employee of Winter. Winter is the sole proprietor of the business and is at present a registered broker-dealer. It is proposed that the applicant will carry on this business as a partnership with Winter and Flackman as the partners.

Under the statute, we are required to deny registration if we find that any partner of an applicant for registration has been convicted, within ten years preceding the filing of any such application, of any felony involving the purchase or sale of any security, and if we find that denial of registration is in the public interest. The fact of conviction is admitted and the only question in issue here is whether it is in the public interest to deny the application for registration.

After careful consideration of all the facts in this case, we have decided that we may, consistently with the public interest, permit registration to become effective. Our decision in this respect is based on the following facts: It does not appear that Flackman was a principal in the fraudulent scheme which was the basis for the criminal case. The letter from the Assistant United States Attorney who tried the case states that Flackman "was an employee, not a principal, and was not a party to the inception or management of the venture." It further appears that Flackman came forward and testified fully as to his part in the scheme. The activities in respect of which Flackman was convicted took place eight years ago. The record indicates that Flackman is attempting to live down the conviction and reestablish himself in the business with which he is best acquainted. Winter apparently thinks well enough of him, after two years of association, to enter into partnership with him. Finally, if registration does become effective, we will, of course, have jurisdiction to institute revocation proceedings under section 15 (b) of the Securities Exchange Act, if at any time in the future such proceedings appear to be warranted. Under all of these circumstances, we think that we may appropriately permit Flackman to avail himself of the opportunity which has been offered to him and allow the partnership to be registered.

Accordingly, we hereby dismiss the proceeding and the application for registration will be permitted to become effective in ordinary course.

By the Commission (Chairman Purcell, Commissioners Healy, Pike, Burke, and O'Brien).

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3076; Filed, April 7, 1942; 10:11 a. m.]

IN THE MATTER OF HARRY WILLIAM WELLER, 30 NORTH LA SALLE STREET, CHICAGO, ILLINOIS

FINDINGS AND ORDER REVOKING REGISTRATION AS BROKER AND DEALER AND EXPELLING RESPONDENT FROM NATIONAL SECURITIES EXCHANGE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3rd day of April, A. D. 1942.

1. Harry William Weller is registered with this Commission as an over-the-

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[1] See *Jarvis, et al.* v. *United States,* 90 F. (2d) 243 (C.C.A. 1, 1937).

counter broker-dealer pursuant to section 15 of the Securities Exchange Act of 1934 and is a member of the National Association of Securities Dealers, Inc., a national securities association registered under section 15A of the Act. We instituted this proceeding under sections 15 (b) and 15A (*l*) (2) to determine whether Weller's registration should be suspended or revoked and whether he should be suspended or expelled from the National Association of Securities Dealers, Inc.

2. Our order of January 16, 1942, instituting the proceeding, stated that members of the staff had reported to the Commission information which, if true, tended to show that: (a) respondent wilfully violated section 8 (b) of the Securities Exchange Act of 1934 in permitting, in the ordinary course of his business as a broker, his aggregate indebtedness to exceed 2,000 per centum of the net capital employed in his business; (b) respondent wilfully violated section 8 (c) of the Securities Exchange Act of 1934 and Rule X-8C-1 thereunder in that respondent hypothecated securities carried for the account of customers under circumstances (1) that permitted the commingling of securities carried for the account of customers with securities carried for the account of other customers, without first obtaining the written consent of each such customer to such hypothecation; (2) that permitted securities carried for the account of customers to be commingled with securities carried for the account of persons other than customers under a lien for a loan made to the respondent; and (3) that permitted securities carried for the account of customers to be hypothecated and subjected to liens and claims of the pledgee for a sum which exceeded the aggregate indebtedness of all customers in respect of securities carried for their accounts; and (c) respondent wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-3 thereunder in that respondent did not make and keep current certain of the books and records relating to his business prescribed by the said rule.

3. By letter dated February 7, 1942, respondent sought to withdraw his registration as an over-the-counter broker-dealer, and stated that he had "ceased doing business as a securities broker on October 20, 1941, and has not since that time been associated or connected in any way with the sale of securities and does not intend again to become associated in the sale of securities."

4. After due notice, a hearing was held before a trial examiner. We find that as of October 20, 1941 (the date of the staff's investigation), respondent's indebtedness exceeded his assets by $807.23;[1] that at the same time he was indebted to customers and to his bank; and that he thereby wilfully violated section 8 (b) of the Securities Exchange Act of 1934. We find that on or before October 18, 1941, respondent commingled and pledged the securities of at least two of his customers, along with his own securities, as collateral for a loan to him by his bank, in an amount which exceeded the aggregate indebtedness of all of his customers in respect of securities carried for their accounts; that the securities of customers were thus commingled and hypothecated without their consent; and that respondent thereby wilfully violated section 8 (c) of the Securities Exchange Act of 1934 and Rule X-8C-1 thereunder. We further find that respondent kept only two books, one of which, if properly kept, would have been a combined cash record, purchase record and sales record, and the other of which was an incomplete book of check stubs; that respondent did not maintain adequate records to show cash receipts and disbursements, receipts and deliveries of securities, dividends and interest received, monies borrowed, securities failed to receive and securities failed to deliver, and failed to make and keep current various other records required to be maintained under section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-3 thereunder; and that respondent thereby wilfully violated the said section 17 (a) and Rule X-17A-3.

[1] This figure is reduced to $302.67 if certain unsecured accounts receivable in the amount of $504.56 are included as assets.

We find that it is necessary and appropriate in the public interest and for the protection of investors that respondent's registration as an over-the-counter broker and dealer be revoked, and that respondent be expelled from the National Association of Securities Dealers, Inc.

Accordingly, it is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the request of Harry William Weller to withdraw his registration as an over-the-counter broker-dealer be, and it hereby is, denied; and that the registration of Harry William Weller as an over-the-counter broker-dealer be, and it hereby is, revoked; and

It is further ordered, Pursuant to section 15A (*l*) (2) of the Securities Exchange Act of 1934, that the said Harry William Weller be, and he hereby is, expelled from the National Association of Securities Dealers, Inc., a registered national securities association.

By the Commission (Chairman Purcell and Commissioners Healy, Pike, Burke, and O'Brien).

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3077; Filed, April 7, 1942; 10:12 a. m.]

IN THE MATTER OF RUSSELL W. MCDERMOTT, 40 PENNSYLVANIA STREET, INDIANAPOLIS, INDIANA

FINDINGS AND ORDER EXPELLING RESPONDENT FROM NATIONAL SECURITIES EXCHANGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of April, A. D. 1942.

1. Russell W. McDermott is now and has been at all times hereinafter mentioned a member, within the meaning of section 3 (a) (3) of the Securities Exchange Act of 1934, of the New York Stock Exchange, New York Curb Exchange, Chicago Stock Exchange and Chicago Board of Trade, all national securities exchanges registered as such pursuant to the Securities Exchange Act of 1934. We instituted this proceeding under section 19 (a) (3) of the Act to determine whether the respondent should be suspended or expelled from membership on these national securities exchanges.

2. The order for hearing, dated November 7, 1941, recited that the staff had reported to the Commission information obtained as a result of an investigation, which tended to show that:

A. On or about September 30, 1938, McDermott, after having gained the complete trust and confidence of a certain customer who was uninformed and inexperienced in matters of investment and finance, induced her to open and maintain a securities trading account with the firm of Moore, McLean & McDermott, a firm of which the respondent was then and at all times hereinafter mentioned a general partner. Respondent also induced this customer to execute a trading authorization granting him discretion to purchase and sell securities for her account. The customer originally deposited approximately $11,000 as collateral in this account and supplemented this sum by a deposit of United States Treasury bonds having a value of approximately $18,000.

During the period from about October 1, 1938, to May 1939, McDermott effected for the account of this customer approximately 176 transactions involving about 36,000 shares of stock having an aggregate value of approximately $886,000. During this period, securities were frequently sold on the very day they had been purchased or within a day or two thereafter, and at a time when no appreciable change had occurred either in the general market conditions or in the market prices of the particular securities involved. Such transactions were effected for the purpose of exacting numerous commission charges and without regard to the welfare of the account or the financial resources or character of the account. As a result of this trading, the respondent realized for his firm, and the customer was charged, commissions in excess of $10,000 and, in addition, the customer sustained a trading loss amounting to approximately $16,000.

In April of 1939 and again in May, the firm of Moore, McLean & McDermott, acting through McDermott, sold, otherwise than on a national securities exchange, certain securities owned by the firm to this customer's account at prices far in excess of the current market prices for such securities without disclosing to her the fact that the firm was selling its own securities, the secret profit made on the transactions, or the fact that the prices which she was charged were greatly in excess of the current market prices for such securities.

Sometime during the period from September 30, 1938, to April 1939, McDermott, in connection with the purchase and sale of various securities for this customer's account, requested and received from her $10,000 principal amount of United States Treasury Bonds upon the representation that the bonds would

be used as collateral in her trading account. A short time thereafter, McDermott sold these bonds, otherwise than on a national securities exchange, and without the knowledge or consent of the customer credited the proceeds to the account of one James Allio, which credit resulted in the elimination of an open debit of $10,000 existing in the Allio account at that time.

B. In April of 1939 and again in May 1939, the firm of Moore, McLean & McDermott, acting through McDermott, sold, otherwise than on a national securities exchange, certain of the firm's securities to the account of a certain other customer who maintained a trading account with the firm, at prices far in excess of the current market prices for such securities, without disclosing to such customer the fact that the prices charged to him were greatly in excess of the current market prices of such securities, and that such securities were being sold to him to relieve the firm from open losses in such securities.

C. During the period from approximately March 1938 to May 1939, McDermott, through the firm of Moore, McLean & McDermott, extended credit in the accounts of one James Allio on securities registered on a national securities exchange in amounts greater and for periods longer than are permitted under Regulation T promulgated by the Board of Governors of the Federal Reserve System pursuant to section 7 of the Securities Exchange Act of 1934.

D. McDermott used the mails and instruments of interstate commerce to effect the transactions and to induce the purchases and sales of the securities referred to above.

The Commission's order further stated that the information reported by its staff as set forth above tended, if true, to show that the respondent had wilfully violated sections 7 (c) (1) and 15 (c) (1) of the Securities Exchange Act of 1934 and Rule X-15C1-2 thereunder.

3. After appropriate notice, a hearing was held before a trial examiner in Chicago, Illinois, in the course of which McDermott filed a document entitled "Answer and Consent to Expulsion from Membership on Certain National Securities Exchanges Pursuant to section 19 (a) (3) of the Securities Exchange Act of 1934." This document acknowledges receipt and service of adequate notice of the proceedings, waives opportunity for hearing, "admits and acknowledges for the purpose of these proceedings and for such purpose only the existence of the facts and of the cause of action set forth in the Commission's order for proceeding," and consents to the entry of an order by the Commission expelling respondent from membership on the various national securities exchanges of which he is a member.

4. We find that the facts alleged in the order instituting the proceedings are true, that the respondent has wilfully violated section 7 (c) (1) and 15 (c) (1) of the Securities Exchange Act of 1934 and Rule X-15C1-2 thereunder, and that it is necessary and appropriate for the protection of investors to order that the respondent, Russell W. McDermott, be expelled from membership on all the national securities exchanges of which he is a member.

It is therefore ordered, Pursuant to section 19 (a) (3) of the Securities Exchange Act of 1934, that Russell W. McDermott, a member, as that term is defined in the said Act, of the New York Stock Exchange, New York Curb Exchange, Chicago Stock Exchange and Chicago Board of Trade, be, and he hereby is, expelled from membership on said exchanges.

By the Commission (Chairman Purcell and Commissioners Healy, Pike, Burke, and O'Brien).

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3078; Filed, April 7, 1942; 10:12 a. m.]

IN THE MATTER OF CENTRAL SECURITIES CORPORATION, 13TH FLOOR, LINCOLN BANK TOWER, FORT WAYNE, INDIANA

FINDINGS AND ORDER REVOKING REGISTRATION AS BROKER-DEALER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3rd day of April, A. D. 1942.

1. Central Securities Corporation, an Indiana corporation, is registered with this Commission as an over-the-counter broker-dealer pursuant to section 15 of the Securities Exchange Act of 1934. Edwin Henry Dickmeyer is president of the corporation. We instituted this proceeding under section 15 (b) to determine whether the registration of Central Securities Corporation should be suspended or revoked.

2. Our order of January 16, 1942, instituting the proceeding, stated that members of the staff had reported to the Commission information which tended to show that on or about January 12, 1942, registrant and Dickmeyer were convicted in the United States District Court for the Northern District of Indiana of a felony involving the purchase and sale of securities and arising out of the conduct of the business of a broker and dealer.

3. By letter dated January 26, 1942, the registrant stated that it had discontinued its business as a broker and dealer and it sought to withdraw its registration.

4. After due notice a hearing was held before a trial examiner. The records show that the registrant has conducted the business of broker and dealer in securities at Fort Wayne, Indiana, continuously since May 1, 1936. Edwin Henry Dickmeyer organized the registrant and he has been its president and largest stockholder, and has dominated its activities. From May 1, 1936, to January 1, 1938, Louis F. Conter was the treasurer of Lake County, Indiana, and was also treasurer of the municipalities of Gary, Hammond, and East Chicago, all of which are in Lake County. Each of these municipalities had outstanding so-called "Barrett Law" bonds which were issued to finance public improvements and were payable out of assessments to be collected against the private property benefited. These bonds were payable through the office of the County Treasurer as money was available from the collection of the special assessments. Money was not always available at the maturity of the bonds or upon demand after maturity. Edward L. Reil was employed by Conter in the County Treasurer's office, where his principal function was to be informed as to the amount of money which had been collected from the special assessments and the "Barrett Law" bonds to which it was applicable. He had full access to the records of the county and the municipalities.

In November 1940, the Grand Jury of the United States District Court for the Northern District of Indiana returned an indictment charging that the registrant, Dickmeyer, Conter, and Reil unlawfully and feloniously conspired together to violate, and did violate, section 15 (c) (1) of the Securities Exchange Act of 1934, as follows:

Conter and Reil agreed to and did advise registrant when money was available to redeem the various types of "Barrett Law" bonds. Registrant then procured from its customers authorizations to liquidate, at from 25% to 70% of their face value, bonds for which money was available for redemption at full face value. These authorizations were procured by means of materially untrue statements to the effect that registrant had received offers from prospective purchasers to buy the bonds at from 25% to 70% of their face value, and that it would be to the best interests of the customers to accept such offers. At the time these misrepresentations were made, registrant, of course, knew that the bonds under discussion could be redeemed at their full face value. Upon securing such authorizations, registrant transmitted the bonds covered by the authorizations to Reil in East Chicago. Reil presented the bonds to the office of the County Treasurer, received checks for the full face value and mailed the checks to the registrant. Upon receipt of the checks, registrant advised its customers that it had purchased from them as principal the bonds at the discount named in the authorization, and registrant retained the profit. This profit was later divided among the registrant, Conter, and Reil, in the proportions of 42½%, 50%, and 7½%, respectively. The number of registrant's customers thus defrauded was approximately 179, and the amount corruptly appropriated by and divided among the conspirators was $92,000.

On January 12, 1942, in response to the indictment, registrant, Dickmeyer, Conter, and Reil entered pleas of *nolo contendere* and were each found guilty. The registrant was fined $5,000, and Dickmeyer was fined $5,000 and sentenced to two years' imprisonment, the sentence of imprisonment being suspended for a period of four years and the defendant placed on probation.

In sentencing Dickmeyer, Judge Stone said, in part:

I think Dickmeyer was perhaps the originator of this idea. I don't think Conter was any better; he worked into it very well. I don't think Reil is free from sin, either. Dickmeyer is a man who lived in Fort Wayne for many years, apparently active in civic affairs. You could not have accomplished what you did unless you lived the life of a pretender and hyprocrite. You were operating under the mantle of respecta-

bility. People had confidence in you, trusted you. It may be said to your discredit you robbed and cheated the people who did have trust in you.

We find that the registrant and its president, Edwin Henry Dickmeyer, were convicted on January 12, 1942, of a felony involving the purchase and sale of securities and arising out of the conduct of the business of a broker and dealer, and that it is in the public interest that its registration as a broker-dealer be revoked.

Accordingly, it is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the request of Central Securities Corporation to withdraw its registration as an over-the-counter broker-dealer be, and it hereby is, denied, and that the registration of Central Securities Corporation as an over-the-counter broker-dealer be, and it hereby is, revoked.

By the Commission (Chairman Purcell and Commissioners Healy, Pike, Burke, and O'Brien).

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3079; Filed, April 7, 1942; 10:13 a. m.]

[File Nos. 59-33, 70-263, 70-371, 70-387, 70-430, 70-431]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, COLUMBIA OIL & GASOLINE CORPORATION, PANHANDLE EASTERN PIPE LINE COMPANY, MICHIGAN GAS TRANSMISSION CORPORATION, INDIANA GAS DISTRIBUTION CORPORATION, AND THE OHIO FUEL GAS COMPANY

ORDER REQUIRING DIVESTITURE AND REDISTRIBUTION OF VOTING POWER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 31st day of March, A. D. 1942.

The Commission having instituted proceedings under sections 11 (b) (1), 11 (b) (2), 12 (c), 12 (f), and 15 (f) of the Public Utility Holding Company Act of 1935, and having ordered that evidence be taken with respect to (1) whether Panhandle Eastern Pipe Line Company may be retained in, or must be divorced from, the holding company system of Columbia Gas & Electric Corporation under section 11 (b) (1) of the Act, and (2) whether, by reason of the voting rights of the Class B Preferred Stock of Panhandle Eastern Pipe Line Company, there is an unfair or inequitable distribution of voting power which must be rectified under section 11 (b) (2) of the Act;

Hearings on these two issues having been held after due notice, the Commission having heard argument with respect to the said issues, having duly considered the record and being fully advised in the premises, and having this day made and filed its findings and opinion herein;

It is ordered, on the basis of such findings and opinion:

(1) That, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, respondents Columbia Gas & Electric Corporation and Columbia Oil & Gasoline Corporation shall take all necessary and appropriate steps to sever the relationship of Columbia Gas & Electric Corporation with Panhandle Eastern Pipe Line Company by disposing, or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the Act or the rules and regulations promulgated thereunder, of Columbia Gas & Electric Corporation's direct and indirect ownership, control, and holding of securities issued by and the properties of Panhandle Eastern Pipe Line Company and its subsidiaries;

(2) That, pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935, the voting power of the Class B Preferred Stock of Panhandle Eastern Pipe Line Company shall be canceled; *Provided, however,* That the respondents may, if they so desire, submit any alternative plan of action which they deem appropriate to cure the unfair and inequitable distribution of voting power, including any plan for the retirement or redemption of the said Class B Preferred Stock: *And provided further,* That if such plan is approved, it will supersede our order herein in this respect;

(3) That the respondents, in accordance with section 11 (c) of the Public Utility Holding Company Act of 1935, shall comply with this order within one year from the date of its entry.

It is provided, With respect to our findings, opinion, and order herein, in their entirety and with respect to the entry, publication and service thereof, that they shall be without prejudice to the right of the Commission to enter such other further and appropriate orders, from time to time, as the Commission may deem necessary to secure compliance by the respondents with the provisions of the Act and the pertinent rules and regulations thereunder in carrying out the provisions of this order; and

It is further provided, That jurisdiction is reserved to the Commission with respect to all issues remaining in the consolidated proceedings herein, and with respect to the institution of such further proceedings as the Commission may deem necessary or appropriate under the provisions of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3080; Filed, April 7, 1942; 10:13 a. m.]